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सत्यमेव जयते

Tuesday

29th July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

CONTENTS

Members Sworn [Cols. 2—18].

PARLIAMENT SECRETARIAT
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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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Tuesday, 29th July, 1952

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

JAPANESE INDUSTRIAL MISSION

***2180. Sardar Hukam Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Japanese Government sent an industrial mission to India during 1951-52; and

(b) how long the mission was in India and what places it visited?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) An Industrial Mission, consisting of some of the leading Japanese Industrialists, sponsored by the Japanese Government, visited India in March 1952.

(b) The Mission was in India for just over a month and it visited a number of places including Agra, Bombay, Mysore, Bangalore, Bhadravati, Madras, Sindri, Tatanagar, Chittaranjan, Calcutta, Damodar Valley, etc.

Sardar Hukam Singh: May I know whether this Industrial Mission was a special Mission?

Shri T. T. Krishnamachari: In the sense that the Mission wanted to explore the possibilities of co-operating in the industrial development of India and also to find out the possibilities of increasing imports from India to Japan.

Sardar Hukam Singh: Did they prepare any report and did we have a copy of it?

Shri T. T. Krishnamachari: No, Sir, they did not submit any report to us.

Shri K. Subrahmanyam: Is it true that as a result of the visit of the Mission a Japanese concern has agreed to help in the modernisation of the Tata Iron and Steel Factory at Jamshedpur?

Shri T. T. Krishnamachari: There have been some vague proposals, but nothing has materialised.

Shri Bansal: Were there any talks with this Mission in regard to the development of the pig iron and steel and, if so, at what stage are those talks?

Shri T. T. Krishnamachari: As I said, there were some vague talks with the Mission and subsequently we had some communications through our Ambassador in Japan about the possibility of the development of pig iron in India with Japanese co-operation, but it has not taken any shape yet.

Shri M. S. Gurupadaswamy: May I know whether this Mission came to India at the invitation of the Government of India?

Shri T. T. Krishnamachari: I cannot say exactly whether there was any specific invitation; apparently they came with the consent of the Government of India.

Shri Raghavaiah: May I know whether the Japanese Mission have proposed to start a fountain pen industry in Madras?

Shri T. T. Krishnamachari: There is a question coming on later about that particular matter. We have no information.

सेठ अचल सिह : क्या माननीय मन्त्री बतलाने की कृपा करेंगे कि उस इंडस्ट्रियल मिशन ने कोई रिपोर्ट दी है और अगर दी

है तो क्या उस को यहाँ पर रखने की कृपा करेंगे ?

Mr. Speaker: He wants the report of the Mission.

Shri T. T. Krishnamachari: No, Sir, we have no reports.

BILL REGARDING PRIVILEGES OF PARLIAMENT

***2182. Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether the question of introducing a Bill defining the powers, privileges and immunities of each House of Parliament and of the Members and the Committees of each House, in the present session of Parliament has been considered by Government; and

(b) if so, what decision has been taken in the matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). It has not been considered necessary to have special legislation on this subject. Article 105 of the Constitution defines the powers and privileges and immunities of the Parliament, its Members and the members of its Committees. In so far as these privileges have not been specifically laid down, reference is made to the practice prevailing in the House of Commons of the Parliament of the United Kingdom. No occasion has arisen to necessitate a review of these matters and to have powers and privileges of Parliament defined further by law.

Shri S. N. Das: I want to know whether the necessity had not been felt by the Government.

Mr. Speaker: Order, order. I may inform the hon. Member that the question was considered twice by the Speakers' Conference. For other information he had better see me. I will give him the whole information.

BORDER INCIDENTS

***2183. Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that during recent months border incidents around Pondicherry have been on the increase;

(b) if so, what was the nature of those incidents;

(c) the number of incidents so far reported; and

(d) the steps taken by Government to control the situation?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (c). Border incidents have continued to occur around Pondicherry but there has been no increase in their number as compared with the past. Since November 1951, there have been twelve such incidents.

(b) The nature of the incidents was as follows:

(1) Assault and detention of persons by French Police.

(2) Harassment to border residents by obstruction to cultivation of land and looting crops and fruits.

(3) Trespass into Indian territory by French Police and attempt to kidnap villagers.

(4) Intimidation and threats by Police and goondas, severally and jointly.

(d) Apart from protests made to the French India Government, additional special Police has been posted on the border to control the situation. A joint conference of local officers of both the Governments was also held in December 1951, to consider measures to stop the recurrence of these incidents on either side of the border.

Shri S. N. Das: May I know whether as a result of the action taken by the Government any of the culprits have been brought to book?

Shri Satish Chandra: The incidents which take place inside French Indian territory are the concern of the Pondicherry Administration.

Shri S. N. Das: That I see. But I want to know whether the French India Government took any action on the protests made by our Government?

Shri Satish Chandra: They probably do take action from time to time. But the results have not been very encouraging.

Shri S. N. Das: May I know whether it is a fact that certain officials of French India have been taking part in these assaults and incidents?

Shri Satish Chandra: One police inspector of French India took part in two out of the twelve incidents which I have referred to in my answer.

Shri T. K. Chaudhuri: May I know what are the results of the protests and other actions taken by the Government of India with regard to persons kidnapped from Indian territory?

Shri Satish Chandra: The border police has been strengthened, and there was also a conference of local officers to discuss the matter.

Shri T. K. Chaudhuri: I want to know whether the persons kidnapped have been rescued.

Shri Satish Chandra: The persons kidnapped have been rescued.

Shri Kelappan: Is it a fact that our police and prohibition officers are conniving at these things?

Shri Satish Chandra: I have no such information.

Shri Badshah Gupta: Instead of relying solely upon the police strength, has the Government provided the neighbouring villagers with fire-arms to protect themselves?

The Prime Minister (Shri Jawaharlal Nehru): There are no armed depredations going on nor fire-arms being used on either side. They are petty strifes which, I agree, are a nuisance no doubt, but they must not be considered as if armies are fighting.

बाबू रामनारायण सिह : जिस दिन दोनों सरकारों के कर्मचारियों का एक सम्मेलन हुआ था, उस दिन के बाद से क्या कोई घटना हुई है ?

Mr. Speaker: He wants to know whether there were any incidents after the conference.

Shri Satish Chandra: Not much useful purpose has been served by that conference. The Government of India has considerably strengthened its police outposts, as the incidents continue to take place.

IMPORTS FROM DOLLAR AREAS

***2184. Shri P. T. Chacko:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total value of imports permitted in 1951-52 to traders in Travancore-Cochin or to any one else for the benefit of Travancore-Cochin. from the dollar areas in terms of dollar currency; and

(b) the total amount of dollar currency earned by exports from Travancore-Cochin in 1951-52?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Records are not maintained on the basis of the residence of applicants for import or export licences. Hence Government are unable to furnish the information asked for.

Shri A. M. Thomas: May I know whether the Government has got in its possession separate statistics of export and import figures in respect of Cochin and Alleppey?

Shri T. T. Krishnamachari: It is available in the publications of seaborne trade.

MOVEMENT OF CLOTH AND YARN

***2186. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the ban on the movement of cloth and yarn by postal parcels within India has been withdrawn ; and

(b) whether similar facility has also been given to the movement of cloth and yarn by postal parcels to foreign countries?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Movement of cloth and yarn by postal parcels to foreign countries is allowed under export licences.

Dr. Ram Subhag Singh: May I know when this ban on the movement of cloth and yarn by postal parcels was removed?

Shri T. T. Krishnamachari: With effect from 10th May, 1952.

Dr. Ram Subhag Singh: May I know whether similar facility will be given to Indians living abroad in the matter of sending cloth to them by postal parcel from here?

Shri T. T. Krishnamachari: Yes, Sir, subject to export licences being obtained.

TRADE WITH NETHERLANDS

***2187. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the principal items of exports from India to the Netherlands; and

(b) the principal items of imports from the Netherlands to India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Vegetable oils, coir yarn, tea, cotton waste, raw cotton, jute manufactures, oil seeds and leather.

(b) Instruments and apparatus, provision and oilmans' stores, metals and ores, artificial silk yarn, manures, starch, dextrine and farine, dyeing and tanning substances, chemical and chemical preparations.

Dr. Ram Subhag Singh: May I know the value of the exports to and imports from the Netherlands?

Shri T. T. Krishnamachari: For which particular period?

Dr. Ram Subhag Singh: For last year.

Shri T. T. Krishnamachari: For 1951-52 we have only information up to January 1952. The imports are in the region of about Rs. 816 lakhs. Exports are Rs. 620 lakhs and re-exports are Rs. 18 lakhs.

Shri Bansal: May I know if this information is not available in some of the publications of the Government?

Shri T. T. Krishnamachari: I believe, Sir, most of this information is available.

IMMOVABLE EVACUEE PROPERTY

***2188. Dr. Ram Subhag Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that evaluation of immovable evacuee property has been in progress for some months; and

(b) whether it is a fact that Government have postponed the recovery of the next instalments of any amounts due in respect of loans etc. from the displaced persons whose claims for their property had been verified?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) Yes.

Dr. Ram Subhag Singh: May I know the category of displaced persons who have been given this concession?

Shri A. P. Jain: Presumably the hon. Member refers to part (b). It refers to receivers of loans under the small urban loan scheme; unpaid instalments on account of the price of house or plot purchased from Government loans for education in India or abroad and loans for building houses.

Shri M. L. Dwivedi: Will you, Sir, be pleased to allow question No. 2214 which relates to the same subject as question No. 2189.

Mr. Speaker: Would the Minister prefer to answer it now?

The Minister of Information and Broadcasting (Dr. Keskar): I have no objection.

Mr. Speaker: It is being given precedence in the order and that is why I wanted to know whether it could be conveniently grouped. Anyhow, we will proceed in the usual order. Here the hon. Member wants the other question to be taken up.

Dr. Keskar: I do not mind.

Mr. Speaker: Very well.

FILMS

***2189. Shri S. C. Samanta:** (a) Will the Minister of **Information and Broadcasting** be pleased to state how many films and of what kind have been examined by the Central Board of Censors since the formation of the Board ?

(b) How many of these films have been censored ?

(c) Has any Censor Code been drawn up?

The Minister of Information and Broadcasting (Dr. Keskar) (a): 5,504 films, consisting of newsreels, documentaries, scientific films, educational films and feature films, were examined by the Board up to 30th June, 1952.

(b) 22 films have been rejected and, in 483 films, cuts have been ordered.

(c) Yes, Sir.

EXHIBITION OF FILMS

***2214. Shri M. L. Dwivedi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the steps taken by Government to ensure that no picture shall be certified for public exhibition which will lower the moral standards of those who see it so that the sympathy of the audience is not thrown on the side of crime, wrong-doing, evil or sin;

(b) whether the Examining Committees conform to the directions issued by the Central Board of Film-Censors from time to time in so far as the determination whether a film is or is not suitable for public exhibition is concerned; and

(c) whether the producers submit their scripts, dialogues, and songs for scrutiny and guidance to the Board of Film Censors or bodies attached to it, before shooting?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Under the Cinematograph Act no film is permitted to be exhibited to the public unless it has been examined and certified by the Central Board of Film Censors as suitable for public exhibition. The Central Board of Film Censors is a statutory authority and censors films through Examining Committees who act in accordance with a comprehensive Directive issued by the Central Board of Film Censors. The Directive was published in the Gazette of India on 1st March, 1952. It contains *inter alia* instructions which have been framed with a view to ensuring that films which lower the moral standards of those who see them or enlist the sympathy or admiration of the audience for criminal characters are not certified as suitable for public exhibition.

(c) No.

Shri S. C. Samanta: May I know whether the film industries were consulted before drawing up the Censor Code?

Dr. Keskar: Presumably my hon. friend means the 'directives'. The directive is issued for the purpose of seeing that a film does not incite violation of law and order and lower morality. It is not a technical directive and therefore the question of asking the film companies to participate or give advice in this matter does not arise.

Shri S. C. Samanta: May I know whether any complaints have been received by the Ministry that the Censor Code has not been followed by this Board?

Dr. Keskar: Government does receive from time to time complaints from the public regarding specific films, that they have certain parts which are objectionable. There is no general complaint regarding the Board.

Shri S. C. Samanta: May I know whether the Advisory Panels constituted in the regions have anything to recommend about the censorship of films?

Dr. Keskar: I have not understood the question.

Shri S. C. Samanta: Advisory Panels have been formed in the three regions. May I know whether their opinions are being taken into consideration also when these films are censored?

Dr. Keskar: The function of the Advisory Panels is to help the Board in seeing the film because it is a job which requires a lot of time and an examining Committee which consists of 2 or 3 members from among the panel is set up for the preliminary examination of any film which comes up for censorship and they convey their opinion to the Board and if there is any appeal against the opinion of the examining Committee, it is again examined by the revising Committee appointed by the Board. The opinion of the panel or the examining Committee of the panel is conveyed to the Board and not to the Government.

Shri M. L. Dwivedi: The Film Inquiry Committee Report mentions that the producers of the films shall produce their scripts and dialogues etc. before shooting. May I know why they have not been asked to submit them before shooting?

Dr. Keskar: The Film Inquiry Committee Report is not being implemented. It is being examined. It is only when some Act is passed which will permit Government to ask film companies to submit their scripts, dialogues etc. for examination before shooting that we can take the step.

Shri M. L. Dwivedi: What steps are being taken by the Government to get a better standard of morals so far as the exhibition of films is concerned?

Mr. Speaker: It is all very vague.

Shri M. D. Joshi: May I know how many of the films examined and rejected were foreign films?

Dr. Keskar: I would not be able to tell specifically, I think of the 22 films, quite a large number are foreign films.

Shri A. C. Guha: May I know if the Government have taken any steps so that the censoring may be done before the films are produced, *i.e.* when they are in the story stage and the script is supplied to the Board?

Dr. Keskar: That is one of the recommendations of the Film Inquiry Committee and we are considering how this can be implemented.

सेठ गोविन्द दास : माननीय मन्त्री जी ने प्रश्न नम्बर २१८९ के (सी) पार्ट में यह कहा है कि इस प्रकार का सेन्सर बोर्ड

बना लिया गया है । क्या माननीय मन्त्री जी को यह बात मालूम है कि जो सैन्सर बोर्ड बनाया गया है **वह इस** प्रकार का है कि उस में बहुत सी बातें कही गई हैं लेकिन फिल्म कम्पनियों को उन से निकल भागने की बहुत गुंजाइश है ?

डा० केसकर : कोड बनाने के बाद उस के अमल में लाने में जो कुछ हमें तजुर्बा हुआ है उस को देखते हुए और क्या करना चाहिये इस के बारे में सरकार सोच रही है ।

Shri Dabhi: On what specific grounds were the 22 films rejected?

Mr. Speaker: I think there must have been different grounds. It is very difficult to go into these details.

Shri Raghavaiah: May I know what steps Government have taken to censor the exhibition of foreign films that do not help the moral growth of our people?

Dr. Keskar: We apply the same standard to foreign films or Indian films. Our directive to the Board is to see that films which lower the moral standards should not be allowed.

Shri S. C. Samanta: May I know whether the Central Censor Board has anything to do in recommending the exchange of Indian films with foreign films?

Dr. Keskar: The Board has exclusively the work of censoring the films and it has no other function.

T.B. PATIENTS AMONG DISPLACED PERSONS

***2190. Shri B. K. Das:** Will the Minister of **Rehabilitation** be pleased to state the grants made for the treatment of T. B. patients among displaced persons during the last three years, 1949-50, 1950-51 and 1951-52?

The Minister of Rehabilitation (Shri A. P. Jain): 1949-50, Rs. 5,00,000; 1950-51, Rs. 9,25,913; 1951-52, Rs. 13,65,000.

Shri B. K. Das: May I know whether these grants have been made to the hospitals and sanatoria or to State Governments?

Shri A. P. Jain: To the hospitals, sometimes direct and sometimes through the State Governments.

Shri B. K. Das: May I know the total number of beds that have been provided in the different hospitals specially for T.B. refugee patients?

Shri A. P. Jain: 1950-51, 553; 1951-52, 608.

Shri B. K. Das: Has any arrangement been made for their treatment outside if they are not admitted into the hospitals?

Shri A. P. Jain: In some cases, some assistance is given.

Shri B. K. Das: May I know whether any estimate has been made of the number of T.B. patients among the refugees?

Shri A. P. Jain: We have not got any figures.

Shri B. K. Das: Was there not an estimate made by the T.B. Adviser of the Government of India some time ago?

Shri A. P. Jain: A very rough estimate was made; it is not dependable.

सेठ अचल सिंह : क्या मंत्री महोदय बताने की कृपा करेंगे कि जो रिफ्यूजीज़ टी० बी० के मरीज़ हैं उन को मदद मिलने का क्या तरीका है ?

श्री ए० पी० जैन : एक तो उन की मदद मिलने का तरीका यह है कि जिन की बीमारी काफ़ी बढ़ जाती है तो उन को अस्पताल में दाखिल किया जाता है । दूसरा मदद मिलने का तरीका यह है कि जिन की बीमारी कम होती है तो जहां तक मुमकिन होता है उन को बाहर का मरीज़ ट्रीट (treat) किया जाता है । तीसरा तरीका यह है कि जो अस्पताल में दाखिल होते हैं अगर उन के बच्चे वगैरह होते हैं और उन का कोई दूसरा इन्तज़ाम नहीं होता तो उस के लिये हम स्कीम बना रहे हैं कि उन को कुछ मुनासिब मदद दी जाय ।

सेठ अचल सिंह : वह किस तरीके से एप्रोच (approach) करें कि उन को यह मदद मिल सके ?

श्री ए० पी० जैन : वे पैदल आ सकते हैं, चिट्ठी लिख सकते हैं या किसी क ज़रिये खबर भेज सकते हैं।

Shri A. C. Guha: May I know if it is true that the number of applications for admission to the hospitals is far in excess of the number of beds available, and if so, what arrangements Government are going to make to increase the number of beds?

Shri A. P. Jain: Sometimes it does happen that the number of pending applications is larger than the beds available. We are making every effort to increase the number of beds.

श्री एम० एल० द्विवेदी : इस सम्बन्ध में सरकार ने कितनी वार्षिक रकम खर्च की है ?

श्री ए० पी० जैन : अभी जो मैं ने सब कुछ पढ़ कर सुनाया वही तो था।

Shri T. K. Chaudhuri: May I know if the incidence of T.B. in the refugee colonies is on the increase?

Shri A. P. Jain: I cannot say that; maybe.

OLD AGE PENSIONS TO WORKERS

***2191. Shri M. R. Krishna:** (a) Will the Minister of **Labour** be pleased to state whether any attempt has been made to grant old age pensions to workers in the factories and mills?

(b) If so, how many of them are in receipt of such pensions and what is the annual amount spent on this by the private factories and mills?

The Minister of Labour (Shri V. V. Giri): (a) and (b). The Government have not evolved an old age pension scheme. However, they have enacted the Employees' Provident Funds Act, 1952, for instituting Contributory Provident Funds in factories. The Employees' Provident Funds Act, 1952, applies to all factories other than Government and local authorities employing 50 or more persons in textiles, iron and steel, cement, engineering, paper, and cigarette industries. The Central Government can extend these provisions to other industries employing less than 50 persons in the above industries. The employees' and employers' contribution will be 6¼ per cent. of the basic wages and dearness allowance of the employees. The scheme is expected to be finalised and brought into force by 1st August 1952.

The Government have no information whether any private factories have introduced any old age pension scheme for their workers. Necessary information is being collected and will be placed when available on the Table of the House.

Shri M. R. Krishna: May I know whether there are still any States which have not so far implemented this Employees' Provident Funds Act?

Shri V. V. Giri: It is yet to be implemented from 1st August.

Shri M. S. Gurupadaswamy: May I know what are the reasons for not extending Provident fund facilities to other industries which were not mentioned by the hon. Minister?

Shri V. V. Giri: Because they are not yet powerfully developed industries.

श्री गणपति राम : क्या सरकार यह सोच रही है कि ऐग्रेरियन लेबरर के लिए भी यह स्कीम चालू की जाय ?

Shri V. V. Giri: Not yet.

Shri Bansal: May I know if there is any proposal to convert this scheme into an old age *cum* insurance scheme?

Shri V. V. Giri: No.

QUARANTINE ESTABLISHMENT AT MANDAPAM

***2193. Shri Shivananjappa:** Will the **Prime Minister** be pleased to state whether the Government of Ceylon are running a quarantine establishment on Indian soil, at Mandapam?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): Yes. The land for the Mandapam Camp was originally acquired under the Land Acquisition Act by the Government of Madras for, and at the cost of, the Government of Ceylon. The Camp was established on its present site in 1915. Later, the Ceylon Government constructed buildings thereon on modern lines. The Camp is accordingly owned and managed by the Government of Ceylon, and the arrangements are of long standing.

Shri Shivananjappa: Are Government aware that Indian nationals are detained in the Mandapam Camp under humiliating circumstances?

Shri Satish Chandra: There was some complaint to that effect a few years ago; but conditions have considerably improved since then as a result of Government of India's intervention.

Mr. Giri, when he visited the camp in 1948, reported to the Government of India that the camp was being maintained at a high level of efficiency.

Kumari Annie Mascarene: May I know whether the Indian Government is running a quarantine establishment at Talaimannar on the other side?

Shri Satish Chandra: I require notice.

HANDLOOM CLOTH

***2194. Shri Damodara Menon:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are aware of the fact that over fifty lakhs worth of handloom cloth is lying unsold in the handloom establishments at Cannanore and suburbs and that several thousands of weavers have been thrown out of work; and

(b) what steps do Government propose to take to find markets for this accumulated stock and to relieve the unemployment of handloom weavers?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes. Government have been informed of that before the number of weavers thrown out of work is, however, estimated to be about 10,000.

(b) The Government of Madras have drawn up a Scheme to provide relief to weavers through Co-operative Societies.

Shri Damodara Menon: Have the Government of Madras approached the Central Government for any help in this matter?

Shri T. T. Krishnamachari: Specifically, no. But, constant correspondence is going on between the Government of Madras and the Ministry of Commerce and Industry, Government of India in this regard.

Shri Damodara Menon: Are the Government of India prepared to help the workers who have been thrown out of job?

Shri T. T. Krishnamachari: It all depends upon what is the nature of the help that we can give. Such help as we can give, we are always prepared to give.

Shri M. D. Ramasami: May I know whether the Government contemplate formulating in the near future a comprehensive scheme for tackling the problem of handloom weavers and handloom-cloth?

Shri T. T. Krishnamachari: The matter is under consideration.

Shri Raghabachari: May I know the number of people thrown out of employment in Rayalaseema?

Shri T. T. Krishnamachari: I must ask for notice.

Shri A. M. Thomas: May I know whether the officer deputed by the Commerce Ministry has submitted his report, and if so, what are his recommendations, and whether Government has taken any action on them?

Shri T. T. Krishnamachari: If the hon. Member is referring to Malabar, I think I have not sent any officer.

Shri Kelappan: Has Government any scheme for the speedy disposal of this accumulated stock?

Shri T. T. Krishnamachari: No, Sir.

Shri Sarangadhar Das: Is there any likelihood of export of these accumulated stocks to foreign countries?

Shri T. T. Krishnamachari: We believe there is a likelihood.

Shri Raghabachari: Has any financial help been granted to Madras State in this connection?

Shri T. T. Krishnamachari: At the moment, the Government of India have not considered any scheme to grant any financial help to the State as such. In fact, no such proposal has been made.

Shri T. S. A. Chettiar: Have the Madras Government consulted this Government over reserving certain kinds of yarn for weaving by hand-loom weavers alone?

Shri T. T. Krishnamachari: That happens to be one of the subjects which is under correspondence.

Shri R. K. Chaudhury: May I know whether Government are taking any steps to increase the quantity of yarn in this country either by increasing the output in the existing mills, or by the establishment of new mills for that purpose?

Shri T. T. Krishnamachari: The present problem is to consume the yarn that is manufactured. So the question does not arise.

INDIAN IMMIGRATION INTO CEYLON

***2195. Shri Damodara Menon:** Will the **Prime Minister** be pleased to state:

(a) whether there have been allegations in Ceylon of illegal landings on a large scale of Indian immigrants on the North Western Coast of Ceylon; and

(b) whether there is any truth in this allegation?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). There have been allegations of large scale illicit emigration from India to Ceylon. It is true that in spite of the best efforts of the Governments of the two countries to check this, some illicit emigration does take place. But the volume of this emigration is nothing like what some statements made in Ceylon might suggest.

Shri Damodara Menon: Are Government aware that these allegations are now made with a view to prejudice the claims of Indians who are now fighting for citizenship rights?

Mr. Speaker: The hon. Member refers to the intention of the other Government. How could it be replied here?

Shri Damodara Menon: What I wanted to ask was whether Government is aware... ..

Mr. Speaker: Let him put any question with regard to which this Government can give information.

Shri Damodara Menon: My intention is to ask the Prime Minister whether there has been any official contradiction of these exaggerated reports.

Shri Jawaharlal Nehru: I do not think the hon. Member is right in suggesting that these reports, though exaggerated, have been made with a particular purpose, because these were made about one and a half to two years ago when this question did not arise. It may be said that this kind of, if I may say so, bogey is raised from time to time there. That is a different matter. And we have gone into it, we have had conferences together and statements have been issued, because illicit immigration does take place: there is no doubt about it. The question is of the quantum of it, and it is our desire to stop it, which is as much the Ceylon Government's desire. We do not want our people to go there in that way. This has nothing to do with that, because the question that has been at present raised in Ceylon is in regard to rights of nationality for people who deserve them, because anybody who goes from here cannot anyhow get that right. It is only persons who have been there for generations, who, in fact, are Ceylon nationals, who are concerned in that trouble. Newcomers from here whether they go legally or illegally can have no rights of that type.

Shri Damodara Menon: Only a month ago, Sir, a report had been published in Ceylon papers and wide publicity was given to it. That is why I asked whether Government have published any contradiction.

Shri Jawaharlal Nehru: In what press?

Mr. Speaker: In the Ceylon press.

Shri Jawaharlal Nehru: I do not know what particular report the hon Member is referring to, but this kind of thing comes out from time to time there, like an eruption.

Kumari Annie Mascarene: May I know whether Government keeps a census of the people crossing over to the other side?

Mr. Speaker: There is no question, since it has gone on illegally.

Shri Badshah Gupta: May I know, Sir, what is it in particular that attracts these illegal immigrants?

Shri Raghavaiah: May I know whether Government is aware of the increase of unemployment in this country which is resulting in the constant emigration of Indians?

Mr. Speaker: I think we are going into arguments.

Shri M. S. Gurupadaswamy: May I know whether the hon. Prime Minister is aware that the so-called illegal emigrants who are now going to Ceylon are relatives of Indians who are staying here?

Shri Jawaharlal Nehru: You mean these people who are going? I have no notion at all; probably not. Some of them might be, normally not.

Shri Venktaraman: May I ask from which part of the country do these people go—south, north, east or west?

Shri Jawaharlal Nehru: Without any exact information, I can say with some certainty, that they go from the south.

Shri Venktaraman: Is it a fact that for a long time between the southern part of India and Ceylon there has been intercourse and relationships between parties, and that casual visits are so much prohibited that they have to resort to illegal emigration?

Mr. Speaker: I think this is nothing but arguing.

BLACK-MARKETEERS

*2196. **Shri Dhusiya:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many black-marketeers were arrested in Delhi during the years 1950 and 1951; and

(b) how many of them were prosecuted and sentenced?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix X, annexure No. 41]

Shri Dhusiya: May I know, Sir, if among these arrests there was any person belonging to any political organisation or any mill owner?

Shri T. T. Krishnamachari: I must confess that when this list was compiled, that idea did not occur to me. Besides, the list that has been furnished to the hon. Member relates to enactments for which my Ministry is not responsible. It is a comprehensive list. I am sorry I cannot give details in regard to the character or employment or political proclovities of the persons who have been charge-sheeted and convicted.

Shri K. K. Basu: Have any of these blackmarketeers been detained under the Preventive Detention Act?

Shri T. T. Krishnamachari: The question, unfortunately, relates to those people who are prosecuted and convicted. It does not include detentions.

Shri Jangde: May I know how many were cloth merchants?

Shri T. T. Krishnamachari: I can only say from the categories of prosecutions:

(1) Delhi Cloth Dealers Licensing Order: No. of persons arrested —52; No. of persons prosecuted—51; number convicted —28.

(2) Cotton Textile Control Order: 102 arrested, 100 prosecuted, 48 convicted.

(3) Yarn Dealers Licensing Order: Three were arrested, three were prosecuted, three were convicted.

(4) Cotton Textile Control of Movement Order: 54 arrested, 53 prosecuted, 34 convicted. That is for 1950.

I should like to give some figures...

Mr. Speaker: Is it not contained in the statement?

Shri T. T. Krishnamachari: They are all in the statement.

Shri Radha Raman: What is the maximum amount of fine or imprisonment for a blackmarketeer in this connection?

Shri T. T. Krishnamachari: I am sorry, Sir, the figures are not in the statement.

LOK SEWA SANGH

*2198. **Shri Balmiki:** Will the Minister of **Planning** be pleased to state:

(a) the steps Government have taken or propose to take for the establishment of *Lok Seva Sangh* referred to in the Draft Five Year Plan; and

(b) whether a scheme embodying the constitution, objects, functions etc. of the proposed Sangh has been drawn up and circulated?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) and (b). Proposals for public co-operation in national development and the formation of the Bharat Sevak Sangh were outlined in a pamphlet published recently by the Planning Commission. It is proposed to constitute in the near future a National Advisory Committee on Public Co-operation.

श्री बाल्मीकी: क्या माननीय मंत्री बतलाने की कृपा करेंगे कि इन लोक सेवकों का चुनाव किस आधार पर किया जायगा ?

श्री नन्दा: अब तक जो ख्याल है वह तो इस पैम्फलेट में बताया गया है, मगर आगे क्या होगा उस का फसला तो जब यह संस्था बनेगी तब होगा ।

श्री बाल्मीकी: क्या केन्द्रीय या प्रान्तीय सरकारों द्वारा इन लोक सेवकों को कुछ आर्थिक सहायता भी देने का ख्याल है ?

श्री नन्दा: संस्था को गवर्नमेंट की तरफ से सहायता मिले यह इरादा नहीं है ।

श्री बाल्मीकी: क्या सरकार इस बात का ध्यान रक्खेगी कि इस संघ में केवल उन्हीं लोगों को स्थान दिया जाय जिन को

इस संघ की योजनाओं और तरीक़ों में पूर्ण विश्वास हो ?

श्री नन्दा: योजना के किसी भी हिस्से में अगर किसी को विश्वास है तो उस का उस में काम करना मुमकिन है।

श्री जांगडे: क्या मैं जान सकता हूं कि लोक सेवा संघ का नाम भारतीय सेवा समाज में परिवर्तित करने का क्या कारण है ?

श्री नन्दा: परिवर्तन का सवाल नहीं उठता है ।

श्री **पी० एन० राजभोज**: मैं माननीय मंत्री से पूछना चाहता हूं कि इस में किसी पोलिटिकल पार्टी के लोग भी आ सकते हैं या नहीं ।

श्री नन्दा : इस में किसी भी पार्टी के लोग आ सकते हैं जो कि इस के कान्स्टिट्यूशन (constitution) के अन्दर जो नियम बताये गये हैं उन का पालन करने को तैयार हों।

Shri K. K. Basu: Arising out of the answer given by the hon. the Minister, may I know whether it also includes those who give their qualified critical support to the scheme?

Shri Nanda: As long as there is any constructive aspect, they are welcome.

अखिल भारतीय चरखा संघ के लिये रुई

*२१९९. **श्री जांगड़े** : (क) क्या वाणिज्य तथा उद्योग मंत्री यह बतालने की कृपा करेंगे कि क्या अखिल भारतीय चरखा संघ को अपने कताई के केन्द्रों में प्रयोग के लिये रूई खरीदने का सीधा ठेका या अनुज्ञप्ति दी जाती है अथवा उसे किसी अन्य ठेकेदार या अनुज्ञप्ति रखने वाले के द्वारा इसे खरीदना पढ़ता है ?

(ख) क्या अखिल भारतीय चरखा संघ को रूई उगाने वालों से सीधे रुई खरीदने का अधिकार है ?

(ग) क्या यह सत्य है कि गत वर्ष यातायात की पर्याप्त सुविधाओं के न मिलने के कारण उक्त संघ को कई मास तक रुई नहीं मिल सकी थी ?

(घ) क्या खादी पर भी उत्पादन कर लिया जाता है ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The Association is free to purchase cotton for its spinning centres in any manner it likes, whether by "direct contract" or otherwise, provided it takes out a 'C' class licence, which is granted freely on application.

(b) Yes, provided the Association possess a 'C' class licence.

(c) On certain occasions last year the Association brought to the notice of the Government the difficulties in transporting cotton and necessary assistance was rendered to the Association.

(d) No excise duty is levied on khadi.

Shri Jangde: May I know whether it is a fact that the Provincial Governments, particularly the Delhi State Government have imposed sales tax on genuine khadi?

Shri T. T. Krishnamachari: I shall get a verification of that statement made.

Shri Jangde: May I know whether the Central Government have placed for sale Khadi in the Central Cottage Industries Emporium in various parts of India and abroad?

Shri T. T. Krishnamachari: I do not think the Central Government has placed Khadi for sale in various parts of India

Shri Jangde: Some days ago, the hon. the Minister had stated that the Government is meeting one-third of its requirements by purchasing handloom cloth. May I know what is the proportion of the Khadi in it, and the amount spent so far in such purchases?

Shri T. T. Krishnamachari: I am accused of having made a very precise statement, which I must plead that I am not guilty of. I only referred to a circular issued by my hon. colleague the Minister for Works, Housing and Supply indicating that a certain preference will be shown for indigenous articles, hand-loom and khadi also being amongst them.

Shri Jangde: Has the Government calculated as to what would be the excess sum over and above the sum spent on mill cloth, if the government proposes to meet all its requirements by purchasing khadi only?

Shri T. T. Krishnamachari: There is no ground for the presumptions behind that question.

Seth Govind Das: May I know the difficulty which the Government feel in purchasing khadi instead of mill cloth?

Shri T. T. Krishnamachari: I have not suggested, Sir, that there is any difficulty. Actually my hon. colleague who is really in charge of purchases has made a special effort in this direction by asking his purchasing officers to give special preference even in the matter of price to articles made in this country, hand-loom and khadi also being amongst them.

श्री **जांगड़े** : मैं प्रार्थना करूंगा कि प्रश्न २२०१ का भी प्रश्न २२०० के साथ उत्तर दे दिया जाय ।

हीराकुड जल-विद्युत शक्ति संयन्त्र

*२२००. **श्री जांगडे** : (क) क्या सिचाई तथा विद्युत मंत्री हीराकुड परियोजना के एक अंश जल-वद्युत शक्ति संयंत्र के निर्माण को, जिसे कि प्रारम्भ में प्राथमिकता दी गई थी और जिस पर डेढ़ करोड़ रुपये व्यय भी कर दिये गये थे, स्थगित करने के कारण बतलाने की कृपा करेंगे ?

(ख) सिंचाई संयन्त्र के निर्माण को आरम्भ में ही प्राथमिकता न देने के क्या कारण थे ?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) and (b). The hon. Member is presumably referring to the suspension of word on Power House No. 2 and works connected therewith *viz.*, the Subsidiary Dam and the Power Channel. If so, I would refer him to the reply given to Starred Question No. 612 by Dr. Natabar Pandey on the 9th June 1952. A copy of the press note, that was issued in January last, explaining the full circumstances under which priorities for the project were revised is placed on the Table of the House. [*See* Appendix X, annexure No. 42]

हीराकुड बांध का निर्माण-व्यय

*२२०१. **श्री जांग ड़े**: क्या **सिचाई तथा विद्युत** मंत्री यह बतलाने की कृपा करेंगे कि हीराकुड बांध परियोजना का अनुमानित निर्माण-व्यय जो कि १९४६ में ४७ करोड़ रुपये आंका गया था १९५२ में ८९ करोढ़ रुपये तक क्यों बढ़ गया है ?

The Minister of Planning and Irrigation and Power (Shri Nanda): The rise in the cost of the Hirakud Dam Project is due to the following reasons:

(i) increased scope of the Project *i.e.* increased annual irrigation from 10·85 lakhs acres to 19·25 lakhs acres;

(ii) increase in the area of land acquired in the reservoir area and increase in the cost of compensation for houses, tanks, wells etc. which will get submerged;

(iii) increased cost of machinery imported from abroad as a result of the devaluation of the rupee and the general rise in prices;

(iv) increase in the length and cost of transmission lines;

(v) Rise in wages of labour at Hirakud.

श्री जांगड़े : क्या यह सच नहीं है कि जब हीराकुड योजना तैयार की गई उस समय चीजों की कीमत मजदूरी आदि का इन्डेक्स नम्बर (index number) ३०१ था और उस समय हीराकुड का कुल अनुमान ४७ करोड़ लगाया गया था, परन्तु अब जब कि इन्डेक्स नम्बर ३९३ से ४७५ तक अधिकतम बढ़ा है तो क्या कारण है कि अनुमान ४७ करोड़ से बढ़ कर ८९ करोड़ हो गया है जब कि भाखरा, नांगल और दामोदर वैली कारपोरेशन का खर्च इतना नहीं बढ़ा है ?

Shri Nanda: I am prepared to give the details of the increase, which has occurred due to the various reasons given in the reply to the main question.

The cost of acquisition of land, houses etc. was originally estimated to be Rs. 5 crores nearly; the revised estimate now stands at Rs. 11·5 crores, resulting in an increase of about Rs. 6·5 crores.

The increase in labour costs is about Rs. 5 crores.

The increase in the cost of machinery due to devaluation is about Rs. 2·5 crores.

The increased scope of the project—this is an element which deserves to be considered, and as was stated in the main reply, the acreage under irrigation has been very much extended—accounts for about Rs. 12 crores.

The increase in the cost of transmission lines is Rs. 9·6 crores.

There are some other small increases also, so that the total increase is Rs. 44·3 crores.

श्री जांगड़े : क्या में जान सकता हूं कि हीराकुड योजना का ८९ करोड़ का जो अनुमान लगाया गया है उस में डेल्टा की सिंचाई के साधनों का ही खर्च है या डेल्टा का भी खर्च उस में शामिल है ?

श्री नन्दा : हां जी शामिल है ।

श्री आर० एन० सिंह : क्या इस तरह से किसी स्कीम में परिवर्तन कर देने से रुपये का दुरुपयोग नहीं होता है ?

Mr. Speaker: The hon. member is entering into an argument. If the hon. Minister wants to give an explanation, I have no objection.

Shri Sarangadhar Das: May I know when the reports of the two committees that went into the examination of the Hirakud project will be placed on the Table of the House?

Shri Nanda: I am not quite aware whether the last two reports have not been placed before the House.

श्री जांगड़े : क्या यह सच है कि डेवलपमेंट बोर्ड और हीराकुड कंट्रोल बोर्ड का गठन किया गया है, और यदि हां, तो इस में गैर सरकारी आदमी कितने हैं ?

Shri Nanda: Recently, a Control Board has been constituted, and it has started functioning. I do not think there are any non-officials in that.

Shri Syamnandan Sahaya: Has any attempt been made by the Government to consider comparatively the increase in the estimates of the project due to the increase in the labour costs and machinery,—other than that due to the acquisition of land—with the increase in the case of the other irrigation projects, such as the Damodar Valley Project etc. which have just been mentioned?

Shri Nanda: That scrutiny is in progress.

श्री जांगड़े : क्या यह सच है कि इन इंजीनियर को फिर से भार दिया गया है कि वह इस हीराकुंड योजना के प्रथम भाग में कुल कितना खर्च लगेगा उसका फिर से अनुमान लगावें ?

Shri Nanda: Sir, recently the figures have been revised.

REHABILITATION IN BANARAS AND JAUNPUR

*2201-A **Shri Ganpati Ram:** Will the Minister of **Rehabilitation** be pleased to state the contribution that the Government of India have made for the construction of colonies, shelters and quarters for displaced persons in Banaras and Jaunpur separately?

The Minister of Rehabilitation (Shri A. P. Jain): No loans have been advanced by the Government of India for the construction of shelters and quarters etc. for displaced persons in Banaras and Jaunpur. Allotments are made to the State Governments for their housing schemes. From the information received from the Government of U.P., an expenditure of Rs 2,85,000 has been incurred for the construction of 100 shops-cum-residences in the District of Banaras. No expenditure has been incurred in the District of Jaunpur.

'AWAZ'

*2202. **Giani G. S. Musafir:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that about one third of the copies of *Awaz*, the Urdu Edition of "the Indian Listener," are bought by the people of Pakistan; and

(b) if so, what programme the A.I.R. presents to them to improve the Indo-Pakistan relations?

The Minister of Information and Broad Casting (Dr. Keskar): (a) No, Sir.

(b) No programme specifically directed to listeners in Pakistan is being broadcast by All India Radio.

श्री एम० एल० द्विवेदी : क्या माननीय मंत्री महोदय से मैं यह जान सकता हूं कि "आवाज", "लिसनर" और "सारंग" की प्रतियां मुफ्त बांटी जाती हैं ?

Dr. Keskar: Sir, we will have to find that out.

WELFARE SCHEMES

*2203. **Shri Ganpati Ram:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that an amount of several lakhs of rupees has been allocated for labour welfare schemes under the Five Year Plan;

(b) if so, how many schemes are to be materialised through such aid; and

(c) whether the State Governments have contributed any thing more for the same?

The Minister of Labour (Shri V. V. Giri): (a) Planning Commission has recommended a provision of and

(b) Rs. 385 lakhs for the schemes mentioned in the statement which is laid down on the Table of the House. [*See* Appendix X, annexure No. 43.]

(c) The Central and State Governments share the expenditure on the technical and vocational training scheme for adult civilians. On the other schemes now in operation, the Central Government incurs the entire expenditure.

Shri Ganpati Ram: May I know, Sir, what are the centres where such schemes will be worked, especially in Uttar Pradesh?

Shri V. V. Giri: There are 62 centres. I have not got information here about Uttar Pradesh.

Shri Ganpati Ram: May I know, Sir, which sort of schemes will be given priority for implementation?

Shri V. V. Giri: There is detailed information which I shall read out for the benefit of the House and the hon. member.

Scheme No. I, was started in 1950. The main objects of the scheme are to ensure a steady supply of skilled workers for the country's industries, to raise the quality and quantity of production by the systematic training of warkers, to reduce unemployment among educated young persons by equipping them for suitable industrial employment. The scheme impart training in 32 vocational and 32 technical trades at 63 training institutes. It provides for 10,000 seats, 7,500 in technical trades and 2,500 in vocational trades. The non-recurring expenditure on machinery equipment, construction of building etc. required for the purpose of training is to be borne entirely by the Government of India. The recurring expenditure is to be shared between the Central and State Government in the proportion of 60 to 40, except the expenditure on directional and inspectional staff and on trade testing.

Scheme No. II. The scheme is intended to make good the deficiency in respect of precision tools and to replace the existing worn-out tools and machinery. The scheme is to be financed by the Government of India in its entirety.

Scheme No. III. The existing training centres are housed in military hutments. The scheme provides for the construction of new buildings for housing the training centres.

Scheme No. IV. The scheme is intended to provide training for alternative employment for those who may be retrenched as a result of rationalisation. Details of the scheme are to be worked out.

Scheme No. V. The main objects of the scheme are to improve the efficiency of instructors employed in Central and State Government institutions as well as private institutions and establishments by giving them a course in theoretical and practical instructions in the respective trades and in the art of teaching, to train new hands to meet the needs of existing institutions and to provide refresher courses for instructors with a view to ensuring that they are always up-to-date and conversant with the latest methods of production and trade.

Shri Ganpati Ram: May I know, Sir, what are the specific circumstances under which the implementation of the schemes is given priority?

Shri V. V. Giri: According to the nature and the circumstances of the matter.

SMOKE ABSORBING CHIMNEYS

***2204. Giani G. S. Musafir:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that one gentleman has invented smoke absorbing chimneys and that the same have been fitted in the new residential quarters for M.P.'s; and

(b) whether it is a fact that the same gentleman has offered his services to the Government to produce power engines to be run by natural energy?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) A local firm of furnishers has manufactured a new type of oven, which burns coal, coke and char-coal and if used properly, it keeps the room practically smoke free, during the process of ignition. This type of oven has been installed in the new flats for M.Ps. Actually it is the process and the arrangement in the *chullah* that prevents the smoke from going into the room in the initial process of burning.

(b) Government are not aware of any such offer, except one which was received sometime back by the Council of Scientific and Industrial Research, from a gentleman who claimed that Petrol Engines could be run on water alone. Detailed investigation of this claim has shown that it is unworkable.

گیانی جی- ایس - مسافر: پچھلے ایک سال میں کتنے لوگوں نے اس طرح کی ایجادات کے لئے گورنمنٹ کو درخواستیں پیش کی ہیں -

[**Giani G. S. Musafir:** How many persons have sent letters to the Government claiming such inventions, during the last one year?]

सरदार स्वर्ण सिंह: इस किस्म की फैंटास्टिक (fantastic) ईजाद का क्लेम (claim) किसी और ने नहीं किया ।

ANTI-FOREIGN RIOTS IN CAIRO

***2205. Shri H. N. Mukerjee:** Will the **Prime Minister** be pleased to state:

(a) whether Government lodged a protest with the Government of Egypt in regard to the anti-foreign riots which took place at Cairo on January 26, 1952; and

(b) whether any notes were sent to any other Governments before the said Cairo incidents with regard to the activities of the British forces in Egypt?

The Prime Minister (Shri Jawaharlal Nehru): (a) No.

(b) No.

पश्चिमी पाकिस्तान के हरिजनभंगी

*२२०६. **श्री बाल्मीकी**: क्या **प्रधान मंत्री** यह बतलाने की कृपा करेंगे :

(क) क्या यह सत्य है कि पाकिस्तान सरकार पश्चिमी पाकिस्तान में रहने वाले हरिजन भंगियों को हिन्दू मानने के लिये तैयार नहीं हैं ; तथा

(ख) इस सम्बन्ध में भारत सरकार की क्या नीति रही है ?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) The Government of India are not aware of any notification issued by the Government of Pakistan under which the Harijans are not to be classified as Hindus. The Government of Pakistan, however, recognize Harijan sweepers as 'Achhuts' who are treated as being distinct from caste Hindus.

(b) Does not arise in view of answer to (a) above.

श्री बाल्मीकी: क्या यह सच है कि भारत और पाकिस्तान के बीच में कानफ़्रेंसों में पाकिस्तान ने कड़े ढंग से मना किया है और कहा है कि यह हिन्दू नहीं हैं ?

श्री सतीश चन्द्र: मेरे ख्याल में यह कहा है कि वे कास्ट हिन्दू नहीं हैं । उन को अलग विभाग में रखा है । लेकिन हिन्दू नहीं हैं । ऐसी बात नहीं कही है ।

श्री बाल्मीकी: क्या वे हरिजन स्वीपर (sweeper) जो रहने वाले तो भारत के हैं, जिन के मां, बाप, पत्नी, बच्चे सब यहां पर हैं, जिन की जायदाद यहां पर है और जब वे छुट्टी पर यहां भारत में आते हैं तो फिर किसी वजह से उन का जी वहां जाने को नहीं चाहता, वह यहां रहना चाहते

हैं, और वे वहां के रिकाग्नाइज्ड नागरिक भी नहीं हैं, तो उन को यहां से वारंट के द्वारा ज़बरदस्ती वहां भेज दिया जाता है। तो क्या मैं पूछ सकता हूं कि ऐसा क्यों है ?

श्री ए० पी० जैन: ऐसा नहीं हो रहा है।

श्रीं बाल्मीकी: ऐसे उदाहरण हैं, मैं खुद जानता हूं।

Mr. Speaker: He can invite the attention of the hon. Member to such a thing.

WRITTEN ANSWERS TO QUESTIONS

TRADE AGREEMENTS

***2178. Shri Velayudhan:** Will the Minister of **Commerce and Industry** be pleased to state the countries with whom India had trade agreements and who wanted to renew the same as the term has ended?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement is laid on the Table of the House of the countries with which India has Trade Agreements. [*See* Appendix X, annexure No. 44].

LICENSING OF INDUSTRIES

***2179. Shri Velayudhan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have taken steps to license the industries according to the Industries (Development and Regulation) Act passed by Parliament in 1951; and

(b) if so, what progress has been made in this direction?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government have issued the Registration and Licensing of Industrial Undertakings Rules, 1952, which prescribe *inter alia*, the procedure to be followed in the licensing of new industrial undertakings. A copy of these rules was laid on the Table of the House on the 21st July, 1952.

(b) Applications for the licensing of industrial undertakings under the new procedure have not yet been received. When they are received, they will be dealt with in accordance with the procedure laid down in the rules.

INDIAN MILITARY MISSION

***2181. Shri Velayudhan:** Will the **Prime Minister** be pleased to state the composition of the Indian Military Mission sent to Nepal?

The Prime Minister (Shri Jawaharlal Nehru): The Military Mission, which is led by Major General Y. S. Paranjpe, consists of 20 officers, 17 JCOs, 45 Havildars, 6 Naiks and 50 other ranks.

SUSPENSION OF THE DIRECTOR GENERAL, ALL INDIA RADIO

***2185. Dr. M. M. Das:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that recently the Director General of All India Radio was suspended from service and an enquiry was ordered to investigate into some allegations made against him;

(b) if so, the nature of the allegations;

(c) whether a *prime facie* case was established against him; and

(d) the personnel carrying out the investigations?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes.

(b) to (d). As the inquiry in connection with the case is not yet concluded, it is not in public interest to make known details of the case.

PASSPORT SYSTEM

***2192. Pandit Munishwar Datt Upadhyay:** (a) Will the **Prime Minister** be pleased to state whether the Government of Pakistan are still in communication with the Government of India on the subject of introduction of Passport System between India and Pakistan?

(b) Do the conditions prevailing allow introduction of ordinary passport system or will there be some special conditions attached to the passport issued?

(c) What has been the (human) traffic between East Pakistan and India during the months from January to May 1952 ?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes.

(b) As has been explained previously on the floor of the House, any one with an international passport can use it. But it is also intended to have separate passports—cheaper and less complicated—for travel between India and Pakistan only.

(c) During the period, approximately 7,31,700 Hindus and 3,79,000 Muslims travelled, mostly by rail, from East Pakistan to India, while about 8,72,000 Hindus and 4,24,000 Muslims travelled in the opposite direction. The figures given do not indicate the number of individuals who travelled in either direction as many of them travelled repeatedly between the two countries.

DRINKING WATER FOR TOWNSHIPS FOR DISPLACED PERSONS

*2197. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of **Rehabilitation** be pleased to state whether it is a fact that there is no satisfactory arrangement for drinking water in the townships of Kalkaji, Kilokri and Jungpura?

(b) What steps have Government taken to provide them with drinking water?

(c) What is the cost of the scheme and when is it likely to be completed?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Interim arrangements for supplying drinking water to the residents of Kalkaji, Kilokri and Jangpura have been made. In Kalkaji and Kilokri wells and handpumps have been provided. In Jangpura pipe water supply is available.

(b) A reservoir has almost been completed and Headworks at Okhla are in the process of construction. After the completion of these works and pipe lines, all these colonies will be served with filtered water.

(c) The total cost of the scheme is Rs. 551 lacs divided into three stages. The first stage is expected to be completed by the end of the current financial year.

FRENCH SETTLEMENTS IN INDIA

*2207. **Shri A. M. Thomas:** Will the **Prime Minister** be pleased to state:

(a) has the French Government protested to the Government of India about the release of the report of the neutral observers on conditions in the French settlements in India; and

(b) if so, the reasons for the same?

The Prime Minister (Shri Jawaharlal Nehru: (a) Yes.

(b) The ground stated was that our action was unilateral, unfair and discriminatory. It was pointed out on behalf of the Government of India that certain parts of the report of neutral observers had previously been published by the French Foreign Office and had been commented upon by the London Times newspaper. It was after this that a copy of the report was given to the Indian Ambassador in Paris.

FLOOD AND EARTHQUAKE VICTIMS IN MISHMI AND ABOR HILLS

*2208. **Shri Gohain:** Will the **Prime Minister** be pleased to state:

(a) what amount of money has been sanctioned for the relief of the flood and earthquake victims in the Mishmi and Abor Hills Districts of the North East Frontier Agency since August, 1950; and

(b) what amount has been apportioned for the current year and what amount has so far been spent thereof for the relief of the tribal people in the recent floods?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) Rs. 9,84,947, including Rs. 3,84,947 contributed by the Governor's Assam Earthquake Relief Fund.

(b) A budget provision of Rs. 10,00,000 has been made for the current financial year for relief purposes. Information as to the amount so far spent will be collected and placed on the Table of the House in due course.

DISPLACED PERSONS IN MANIPUR

*2209. **Shri Rishang Keishing:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of displaced persons who have been settled in Manipur;

(b) how much land has been allotted to the displaced persons; and

(c) the quota of displaced persons to be rehabilitated in Manipur?

The Minister of Rehabilitation (Shri A. P. Jain): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

RAW FILM

*2210. **Shri K. G. Deshmukh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the approximate consumption of raw film in India per year;

(b) how much of it is consumed for the production of motion pictures,

(c) whether there is any scheme to establish a factory for the production of raw film, in the State of Madras; and

(d) If so, whether the preliminary survey has been made in this connection?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) 200 million feet.

(b) We have no precise information.

(c) No, Sir.

(d) Does not arise.

DEMOLITION OF HOUSES

***2211. Sardar Hukam Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that 72 houses on the Western side of Upper Ridge Road, opposite Durgah Pir Rattan Nath Jhandewala in Delhi, were demolished on the 17th May, 1952;

(b) how many of these houses were *pacca* built;

(c) what was the estimated cost of the houses demolished; and

(d) where those who were living in these houses have been accommodated after displacement?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) 71, not 72, houses were in fact demolished. They were demolished after due notice had been given to the displaced persons who were occupying them, and after they had agreed to move out, appreciating the reasons that necessitated the demolition of these houses.

(b) All were Kacha except two, which were semi pakka.

(c) The cost is not known but it could not have been much.

(d) 68 families were accommodated in Tehar Colony, Tilak Nagar and 3 who had not occupied the premises before 15th August 1950, were allotted plots in Ramesh Nagar.

SALT

***2212. Shri M. L. Agrawal:** Will the Minister of **Production** be pleased to state:

(a) what has been the total production of Salt in India during the years 1950-1951 and 1951-1952;

(b) the different varieties of Salt and their sources;

(c) whether any quantity of Salt has been exported during these years;

(d) if so, what and to which country and of what variety in either of the years;

(e) what quantity of Salt is required for annual consumption in

(i) India,

(ii) Uttar Pradesh;

(f) the restrictions, if any, on the import in Uttar Pradesh of Salt of the above varieties from their source;

(g) the quota of Salt of each variety allotted to Uttar Pradesh during the above years; and

(h) whether self-sufficiency has been attained in Salt?

The Minister of Production (Shri K. C. Reddy): (a) 710 and 762 lakh maunds respectively.

(b) A statement showing the different varieties of Salt and their sources is laid on the Table of the House. [*See* Appendix X, annexure 45.]

(c) Yes.

(d) The export of sea salt to Japan amounted to 4,92,000 maunds and 14,75,000 maunds respectively during these years, while its export to East Pakistan was 26,10,000 maunds and 6,56,000 maunds. There were no other exports.

(e) (i) About 713 lakh maunds.

(ii) About 100 lakh maunds.

(f) Under the provisions of the United Provinces Salt Control Order, 1947, only nominees of the U.P. Government can import salt into the State.

(g) A statement showing the quota of salt of each variety allotted to Uttar Pradesh is laid on the Table of the House. [*See* Appendix X, annexure No. 45].

(h) Yes.

PARLIAMENTARY WING OF THE PRESS

***2213. Shri M. L. Dwivedi:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the enlargement of the Parliamentary Wing of the Press has been completed;

(b) if so, whether the Wing is equipped to do Parliamentary work with the speed, efficiency and magnitude required; and

(c) whether the Wing has been equipped to cope with the Hindi or Rashtrabhasha work in accordance with the needs of both the Houses of Parliament?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Extension of the New Delhi Press Building for accommodating the Parliamentary Wing is in hand; construction work of the building is progressing and is likely to be completed by the end of July.

(b) Does not arise.

(c) It is proposed to equip the Wing in such a manner as to be able to cope with the requirements of Hindi Printing.

A.I.R. HINDI DEVELOPMENT

***2213-A. Shri M. L. Dwivedi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the A.I.R. has prepared a vocabulary in Hindi in pursuance of the policy to achieve uniformity of approach in the language content and development thereof;

(b) the achievement of the Central Hindi Advisory Committee for Broadcasting;

(c) the views of leading editors of Hindi Newspapers together with the names of papers being edited by them in connection with the preparation of a vocabulary of suitable Hindi words for various terms most commonly used in Government offices and press, etc., drawn by the Departmental Committee consisting of the heads of the Hindi sections in the All India Radio, Press Information Bureau and Publications Division; and

(d) whether Government propose to lay on the Table of the House a copy each of the reports of the Central Hindi Advisory Committee and the Departmental Committee as well as a copy of the vocabulary drawn up by them?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir.

(b) There is no Central Hindi Advisory Committee for Broadcasting. The Hindi Advisory Committee of Information and Broadcasting Ministry deals with problems relating to the use of Hindi by all the media units of the Ministry including All India Radio. The Committee has met twice and given valuable suggestion.

(c) Views were not invited. Editors were requested to state equivalents in their own languages for the English words referred to them.

(d) These Committees were not required to submit reports. The Departmental Committee was required to prepare a vocabulary of about a thousand Hindi words which were in current use relating to politics, administration etc. A copy of the vocabulary prepared by the Departmental Committee will be placed on the Table of the House.

COTTAGE INDUSTRIES

***2215. Shri Hem Raj:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government sent any officers to outside countries for the study of cottage industries that can suitably be organised in India;

(b) if so, how many and to what countries;

(c) whether they have submitted any reports;

(d) which of the cottage industries have they found suitable for being organised for the villages in different States of India;

(e) whether Government have formulated any scheme on their report; and

(f) if so, how it is going to implement it in different States?

The Deputy Minister of Commerce and Industry (Shri D. P. Karmarkar): (a) Yes, Sir.

(b) One officer was sent to Japan.

(c) Yes, Sir.

(d) A list of such industries is given in the Report.

(e) No, Sir.

(f) Does not arise.

इन्दौर की तेल मिल

***२२१६. श्री एन० एल० जोशी :** क्या **वाणिज्य तथा उद्योग** मंत्री यह बतलाने की कृपा करेंगे :

(क) क्या इन्दौर की तेल मिल बन्द है ;

(ख) क्या सरकार ने इस के बन्द होने के कारणों का पता लगाया है ; तथा

(ग) यदि हां, तो उनकी जांच का क्या परिणाम हुआ है ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) and (c). Enquiries made from the Madhya Bharat Government reveal that the mills closed down due to non-settlement of some dispute between the employer and the Labour Union on the question of retrenchment and that attempts are being made to refer the matter to arbitration.

D. V. C.

***2217. Shri A. C. Guha:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the total amount so far spent for the Rehabilitation, Land Acquisition and Soil Conservation Department of the Damodar Valley Corporation; and

(b) the present monthly pay-bill of the Department?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) and (b). The information is being collected from the Damodar Valley Corporation and will be laid on the Table of the House as soon as possible.

DUNLOP RUBBER FACTORY

***2218. Shri K. C. Sodhia:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total output of the Dunlop Rubber Factory during 1951-52;

(b) the total export of their output;

(c) how many Indians are on their superior staff;

(d) whether there are any other Rubber companies working in India and if so, their names and the capital invested; and

(e) how much of Indian rubber is purchased by Dunlop and Co., and at what rate?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Precise information is not readily available.

(c) Forty one Officers drawing a salary of Rs. 1,000 and above per mensem.

(d) A statement giving the names of important Rubber manufacturing firms and the capital invested in each is placed on the Table of the House. [*See* Appendix X, annexure No. **46.**]

(e) 8,470 tons during March, 1951 to April, 1952 at controlled rates fixed by Government.

SALT

***2219. Shri Sinhasan Singh**: Will the Minister of **Production** be pleased to state:

(a) the retail price of salt per seer when salt excise duty was being levied and what is the corresponding price these days when the excise duty has been removed; and

(b) why there is restriction on movement of salt inspite of self-sufficiency?

The Minister of Production (Shri K. C. Reddy): (a) a statement is laid on the Table of the House. [*See* Appendix X, annexure No. 47.]

(b) The movement of salt from producnig areas to the consuming areas has to be regulated as the transport position is not yet quite adequate. Some of the State Governments have appointed their own nominees to import salt into their States as a safeguard against some traders creating artificial scarcity.

REHABILITATION GRANT TO ORISSA

***2220. Shri Sanganna:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of displaced persons colonies and the population thereof in the State of Orissa;

(b) the total grants in aid given to the State of Orissa during the last three years (1949-50, 1950-51 and 1951-52) for rehabilitation of displaced persons;

(c) whether all the displaced persons colonies in the State of Orissa have become self-sufficient; and

(d) if so, whether Governmental aid has been withheld and cash loans, if any, given to them have been recovered in full or in part?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Colonies 45.

Population 7,581.

(b) 1949-50 Rs. 39,000.

1950-51 Rs. 54,54,000.

1951-52 Rs. 11,35,000.

In addition Rs. 38 lakhs were given as loans.

(c) Three colonies have so far become self-sufficient.

(d) No further assistance is required by the three colonies which have become self-sufficient. No part of the loans has yet been recovered as instalments are not yet due.

NEW PROJECTS IN ORISSA

***2221. Shri Sanganna:** Will the Minister of **Planning** be pleased to state:

(a) whether there are any proposals submitted by the Government of Orissa for construction of new projects which are under the consideration of the Union Government;

(b) if so, what and where they are; and

(c) if the answer to part (a) above be in the negative, whether the Government of Orissa has been asked to submit any fresh proposals?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) No.

(b) Does not arise.

(c) Does not arise.

AGREEMENTS AND PACTS

***2221-A. Shri Raghavaiah:** Will the **Prime Minister** be pleased to state:

(a) what steps are taken to make copies of Agreements entered into or Pacts made by the Government of India with other Governments since 15th August, 1947, available to Members of Parliament; and

(b) whether Government have considered the desirability of placing copies of such documents in the Library of the House?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). Some of these agreements and pacts have been laid on the Table of the House from time to time. Government will gladly place copies of such documents in the library of the House and instructions to this effect will be issued to all the Ministries concerned.

ASSISTANCE TO EDUCATIONAL INSTITUTIONS

***2222. Shri Jethalal Joshi:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the Government of India have given any financial assistance to the educational institutions disrupted from Pakistan;

(b) if so, what are these institutions and what is the amount given to each;

(c) whether this assistance is in lieu of the compensation or as a rehabilitation assistance; and

(d) the points taken into consideration in dealing with requests for such assistance

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) A statement (I) is laid on the Table of the House. [*See* Appendix X, annexure No. 48].

(c) These amounts have been given as grants to assist the institutions to establish themselves in India, but it is always open to Government to take these grants into account when the question of compensation comes up.

(d) The points which are generally taken into account in deciding the case of a disrupted Educational Institution for a grant-in-aid, are indicated in the statement (II) a copy of which is laid on the Table of the House. [*See* Appedix X, annexure No. 48.]

OIL REFINERIES

***2223. Shri H. N. Mukerjee:** Will the Minister of **Production** be pleased to refer to the terms and assurances given to British and American firms for working oil refineries at Bombay as published in the Press Notes and state whether there has since been any departure from Government's policy regarding foreign capital as enunciated by the Prime Minister in 1949?

The Minister of Production (Shri K. C. Reddy): No, Sir.

RAJGHAT SAMADHI COMMITTEE

***2224. Shri S. N. Das:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Rajghat Samadhi Committee has been fully constituted and is functioning;

(b) the amount of the Samadhi fund, if it has been formed; and

(c) whether the Committee has appointed a caretaker?

The Minister Works, Housing and Supply (Sardar Swaran Singh): (a) Yes.

(b) The fund has not yet been formed.

(c) No, Sir, but one has been appointed by Government temporarily in consultation with the Committee.

ADULT CIVILIAN TRAINING SCHEME

***2225. Shri M. Islamuddin**: Will the Minister of **Labour** be pleased to state:

(a) the total number of training institutes in India started under Adult Civilian Training Scheme;

(b) the number of such institutes in Bihar and their location;

(c) the existing number of trainees, male and female in each of these institutes;

(d) the number of trainees who passed out; and

(e) the number of displaced persons—male and female, if any, amongst the trainees?

The Minister of Labour (Shri V. V. Giri): (a) 62.

(b) There are 3 Institutes, located at Patna, Ranchi and Sahibganj.

(c)—

No. of trainees on roll as on 31-5-1952 .	*Male*	*Fem.*	*Total*
(1) Industrial Training Institute, Digha, Patna.	72	1	73
(2) Industrial Training Centre, Government Technical School, Ranchi.	7		7
(3) Industrial Training Centre, Bhartiya Engineering Works, Sahibganj.	5	..	5
TOTAL .	84	1	85

(d) 425 trainees passed out from these three Institutes under the Adult Civilian Training Scheme.

(e) Of the trainees on roll at the end of May, 1952, in the Training Institutes in Bihar, 23 were displaced persons all of whom were male.

REBATE OF IMPORT DUTY

***2226. Shri Jhunjhunwala:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India had accepted the recommendation of the Export Promotion Committee in respect of giving a rebate of import duty paid on raw materials used in any processing industry subject to the necessary administrative arrangement to establish the identity of the raw material used being practicable;

(b) the names of commodities in respect of which such rebate were being given before the recommendation in this behalf had been made by the Export Promotion Committee;

(c) the names of additional commodities on which rebate of import duty was allowed and the rate at which rebate was allowed after the recommendation of the Export Promotion Committee;

(d) whether this concession was withdrawn in respect of some commodities and the reasons for withdrawal of the concession;

(e) the names of commodities and the rate of rebate given at present; and

(f) the procedural difficulties that stand in the way of extending this concession?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir, in certain cases.

(b) Imported Aluminium used in the manufacture of Aluminium-ware for export.

(c) (i) *Raw Cotton*: Rebate of duty was allowed with effect from the 8th March, 1950 at a flat rate of annas 2 per lb. of fine and superfine cloth manufactured from imported cotton.

(ii) *Art silk yarn*: A rebate at a flat rate of 12 annas per lb. of art silk fabrics manufactured in India from imported art silk yarn and subsequently re-exported was sanctioned with effect from 6th May, 1950.

(d) The concession was withdrawn in respect of raw cotton and art silk yarn. Export duty on coarse and medium cloth was raised from 10 per cent. to 25 per cent. *ad valorem* with effect from 1st June, 1951 and instead of levying export duty on fine and superfine cloth, the concession of rebate of import duty on the imported cotton was withdrawn so as to mop up to some extent the margin of profit on export of fine and superfine cloth manufactured from imported cotton. The concession of rebate of import duty on imported art silk yarn used in the manufacture of art silk fabrics and subsequently exported was sanctioned on the 6th May, 1950 pending the formulation of a suitable bonding procedure. The concession was withdrawn from the 1st July, 1951 because the interests concerned took no steps to make bonding arrangements, and in the interest of revenue, it was necessary to avoid the possibility of paying rebate on indigenous art silk yarn used in the manufacture of art silk fabrics exported from India.

(e) Drawback of 7/8th of the import duty is allowed on imported aluminium used in the manufacture of aluminium-ware on export.

(f) When a raw material imported for use in a processing industry is also available indigenously, there are obvious practical difficulties about the grant of a rebate of import duty paid on the raw material on export of the finished commodity. There is always the possibility of the raw material from indigenous sources being utilised and a rebate of duty being claimed and paid when, in fact, no import duty had been paid in respect of it in the first instance.

SALT

***2227. Shri Jasani:** Will the Minister of **Production** be pleased to state:

(a) how many salt works are owned and run by the Central Government and where they are situated;

(b) the total investment made by Government in these salt works;

(c) the total production in the years 1949-50, 1950-51 and 1951-52 from these Government Salt workers; and

(d) the gain or losses during this period?

The Minister of Production (Shri K. C. Reddy): (a) Six. They are at Sambhar, Pachbadra and Didwana in Rajasthan, Mandi in Himachal Pradesh, and Kharagodha and Wadala in Bombay.

(b) Rs. 94 lakhs approximately, excluding the value of lands and working capital.

(c) 153·6 lakh Mds. in 1949-50.

183·5 lakh Mds. in 1950-51.

197·7 lakh Mds. in 1951-52.

(d) 1949-50:—Profit Rs. 2,08,000.

1950-51:—Profit Rs. 11,88,000.

1951-52:—Profit and loss account has not yet been made out.

RIOT AFFECTED AREAS IN ASSAM

***2228. Jonab Amjad Ali:** Will the **Prime Minister** be pleased to state:

(a) whether the riot affected areas of Goalpara, Cachar, Kamrup and Nowgong in Assam in the year 1950, lost plough, cattle, and paddy from their granaries;

(b) whether they applied for seed loans and if given, what quantity;

(c) what attempts were made by Government to recover their lost cattle; and

(d) if so, the process applied and results achieved?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) Yes, to some extent.

(b) Yes. Rehabilitation loans amounting to about Rs. 28 lakhs were granted for purchase of seeds, ploughs, etc. Separate figures for the amount utilised as seed loans are not available.

(c) and (d). Police officers were instructed to round up ownerless or unclaimed cattle in their jurisdiction. These were kept in the custody of responsible local people. Claims of returning owners were verified by a sub-committee of the local Minority Boards, and cattle were returned to them. In all, over 40,000 heads of cattle were returned.

EXPORT OF YARN FROM MADRAS

***2229. Shri S. V. Ramaswamy:** Will the Minister of **Commerce and Industry** be pleased to state whether the yarn allowed to be exported from Madras State is surplus to the requirements of the State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): This is the position at present.

D.D.T. FACTORY AT DELHI

***2230. Shri S. V. Ramaswamy:** Will the Minister of **Production** be pleased to state:

(a) whether any building construction work has started in connection with the D.D.T. factory at Delhi;

(b) whether there are any special advantages in locating the factory at Delhi;

(c) whether caustic soda and chlorine are the principal raw materials for production of D.D.T.;

(d) whether there is any factory producing these raw materials in Delhi now; and

(e) whether there is a plant at Mettur Dam, Salem District, which has been producing these chemicals for a fairly long time?

The Minister of Production (Shri K. C. Reddy): (a) No.

(b) Yes. Most of the principal raw materials and other facilities are easily available at economic rates in Delhi.

(c) Sulphuric acid/oleum, chlorine, Benzene and Alcohol are the principal raw materials, Caustic soda is not used in the manufacture of D.D.T.

(d) Yes. Sulphuric acid/oleum and chlorine are produced on the spot.

(e) The plant at Mettur Dam produces caustic soda and chlorine but not the other raw materials.

DISPLACED PERSONS IN HYDERABAD

***2230-A. Shri Krishnacharya Joshi:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of West Pakistan displaced persons who have taken shelter in Hyderabad State; and

(b) the extent of relief given to them?

The Minister of Rehabilitation (Shri A. P. Jain): (a) About 4,000.

(b) This Ministry did not start any schemes of rehabilitation in Hyderabad. Some families, however, went to that State of their own accord in search of business or service and no need of any relief was considered necessary.

EXPORT AND IMPORT TRADES

***2231. Shri L. N. Mishra:** Will the Minister of **Commerce and Industry** be pleased to state whether there is any proposal under consideration of Government to appoint some body similar to the Export Promotion Committee of 1949 to examine the possibilities of bridging the present gap between our export and import trades?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No, Sir.

TRADE WITH RUSSIA

***2232. Shri M. Islamuddin:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Russia is willing to trade with India even if payment is made to her in Indian currency; and

(b) if so, what is the attitude of the Government of India towards this trade move of Russia?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government have no information.

(b) Does not arise.

MOLASSES

***2233. Shri B. N. Roy:** Will the Minister of **Commerce and Industry** be placed to state:

(a) whether Government have taken any step for facilitating the export of Indian molasses to Eastern Pakistan where it had a good market some time ago; and

(b) whether any new industry has been started for the consumption of molasses which was exported previously and for getting any new bye-product from it?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Export of molasses known as chitta molasses is allowed freely to East Pakistan.

(b) No new industry other than for production of Power Alcohol has been started for consumption of molasses or for getting any new by-product. Chitta molasses have no industrial use.

SALE OF IMPORT LICENCES

***2234. Shri Bhagabat Sahu:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a report was received in his Ministry that a firm named *Eastern Mercantile Corporation* with its headquarters at Cuttack had sold some import licences granted to them during 1950 and 1951;

(b) whether any enquiry was made into the above report; and

(c) if so, what was the result?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No such report has been received in this Ministry.

(b) and (c). Do not arise.

ARID ZONE RESEARCH

***2235. Shri Sanganna:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) what are the results of Arid Zone Research carried out in India; and

(b) what is the amount spent on that account so far?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) No Arid Zone Research has so far been carried out in India.

(b) Does not arise.

Special Claims Officers

*2236. **Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that some retired District and Sessions Judges were appointed as special claims officers to verify claims of the value of over one lakh on account of their considerable judicial experience; and

(b) whether the verification of the claims is completed?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) No.

Verification of Claims

*2237. **Shri Ajit Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that claims verified after May 1951 have been assessed at a lower value than the claims verified before that date on account of enforcement of certain rules by the Chief Claims Commissioner;

(b) whether it is a fact that instructions have been issued to revise the valuation of only 20 per cent. of the claims verified before May, 1951; and

(c) if the answers to parts (a) and (b) are in the affirmative, what steps Government propose to take to remove the anomaly?

The Minister of Rehabilitation (Shri A. P. Jain): (a) No.

(b) No.

(c) Does not arise. It may however be stated that out of about 0:5 lakh claims decided before 31-5-51, some had been over-valued and it was decided to revise them. So far 14,290 of these cases have been checked out of which 1,020 appear to have been over-valued. They have been sent to Claims Officers for *sue motu* revision.

Hunger Strike by Displaced Persons

*2238. **Shri B. S. Murthy:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether any hunger strike was resorted to by the displaced persons at Silchar (Assam) and if so, the date on which the hunger strike began and the number of persons involved;

(b) the causes for the hunger strike; and

(c) the steps taken to end the hunger strike?

The Minister of Rehabilitation (Shri A.P. Jain): (a) Yes, a hunger strike was undertaken by five persons on the 25th June, 1952.

(b) Demands for more relief and rehabilitation benefits and a fresh enumeration of displaced persons in Cachar.

(c) It was explained to hunger strikers that relief and rehabilitation benefits were adequately provided for under the sanctioned schemes. The hunger strike was called off on the 5th July, 1952.

Salt

*2238-A. **Shri A. K. Gopalan:** Will the Minister of **Production** be pleased to state:

(a) the total production and requirements of salt in India in the years 1948 to 1952;

(b) whether salt is produced only by the Government or private companies also are allowed to produce and if so, what is the percentage produced by each; and

(c) the names of private companies producing salt?

The Minister of Production (Shri K. C. Reddy): (a) A statement showing the total annual production and consumption of salt in India for the years 1948—1952 is laid in the Table of the House. [*See* Appendix X, annexure No. 49.]

(b) Both Government and prviate parties manufacture salt. Government produce about 25 per cent. and the remaining 75 per cent. is produced by private parties.

(c) About 4,800 licences have been granted to private parties for the manufacture of salt. Besides, there are petty manufacturers who are not required to take out licences for manufacture. It is not practicable to give the names of all the private parties producing salt.

COLLIERIES LEASED ROYALTY-FREE

***2238-B. Shri K. P. Tripathi:** Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that there are some collieries in Assam which are leased to some European firm royalty-free perpetually; and

(b) whether Government are contemplating the effecting of any change in this royalty-free status of the company?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) Yes. This matter is under the consideration of the Assam Government.

ASSAM TIMBER

***2239. Shri Beli Ram Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that due to the customs difficulties the State of Assam has not been able to sell their timber to the Eastern Pakistan; and

(b) what step Government propose to take to find out a market for the Assam Timber?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir.

(b) Does not arise.

SLEEPERS FOR HIRAKUD AND D. V. C.

***2240. Shri Beli Ram Das:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Conservator of Forests, Assam, was approached by the Government of India to supply sleepers for use in the Hirakud Dam and Damodar Valley Projects before asking the Conservator of Forests, Punjab;

(b) what is the rate at which sleepers were supplied by the Conservator of Forests, Punjab and what is the rate at which sleepers were supplied by the Conservator of Forests, Assam; and

(c) what was the railway freight for the sleepers supplied?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) No, Sir.

(b) For rates of sleepers obtained from the Punjab for the Hirakud Dam. Project the hon. Member is requested to refer to item 6 of the statement laid on the Table of House in reply to Starred question No. 1517 by Shri S. N. Sinha on the 4th October, 1951. The rates for the supply of sleepers by the Conservator of Forests, Assam, are not readily available and are being ascertained.

(c) The railway freight from the despatching station to the destination for sleepers of the size of 10ft. × 10″ × 5ft. was Rs. 1/15/- each and for all other sizes Rs. 1/8/10 each.

CHIEF ENGINEER, D.V.C.

***2240-A. Shri Krishna Chandra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether there has been any contract of service made with Mr. Andrew M. Komora, Chief Engineer of Damodar Valley Corporation and if so, what are the terms of the said contract; and

(b) was his selection made with the assistance of the Indian Embassy in Washington or the Tennessee Valley Authority and the World Bank?

The Minister of Planning, Irrigation and Power (Shri Nanda): (a) Yes, Sir. A copy of the contract entered into with Mr. Andrew M. Komora which *inter alia* contains the terms and conditions of his service is placed on the Table of the House. [*See* Appendix X, annexure No. 50.]

(b) The selection was made with the assistance of the Indian Embassy in Washington and the Tennessee Valley Authority. It had also the support of the World Bank.

UNLICENSED MANUFACTURE OF SALT

***2241. Shri Nana Das:** Will the Minister of **Production** be pleased to state:

(a) the total extent of land under salt manufacture by the unlicensed manufacturers in the area adjacent to the salt factory at Iskapalli in Nellore District;

(b) the total number of such unlicensed manufacturers; and

(c) whether there is any *kutcha* road, in the Central Government lands, which leads to the unlicensed salt fields which are adjacent to the Iskapalli Salt Factory?

The Minister of Production (Shri K. C. Reddy): (a) About 435 acres.

(b) About 400.

(c) Yes; but this road runs partly through Central Government land and partly through State Government land.

BROADCASTING STATIONS IN JAMMU AND KASHMIR

***2242. Shri U. M. Trivedi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Broadcasting Stations at Jammu and Kashmir are under the control of the Government of India and if not, why not;

(b) what are the reasons for the Jammu and Srinagar Stations to classify themselves as Kashmir Radio and not call themselves All-India Radio; and

(c) whether the Kashmir Radio is a private body and if so, what are its reasons?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No. This will be considered in connection with the proposals for the financial integration of the State.

(b) and (c). The Jammu and Srinagar Stations belong to the Jammu and Kashmir State Government.

DISPLACED PERSONS IN POSSESSION OF PLACES OF HISTORIC IMPORTANCE

***2243. Shri Telkikar:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that some displaced persons are in possession of places of historical Importance in Delhi;

(b) whether the possessions are unauthorised;

(c) if the answer be in the affirmative, what steps Government propose to take in the matter; and

(d) whether the displaced persons have damaged any portions of those buildings or monuments?

The Minister of Rehabilitation (Shri A. P. Jain): (a) to (c). After partition certain places of Historical Importance were unauthorisedly occupied by displaced persons. All the important places have since been vacated and the occupants provided with alternative accommodation.

(d) Information is being collected.

EMPLOYEES STATE INSURANCE SCHEME (COMPULSORY DEDUCTIONS)

***2244. Shri K. Subrahmanyam:** Will the Minister of **Labour** be pleased to state:

(a) whether the transport workers in Delhi have protested against compulsory deductions from their wages towards the Employees State Insurance Scheme; and

(b) if the answer to part (a) above be in the affirmative, whether Government have taken action on their representations?

The Minister of Labour (Shri V. V. Giri): (a) A representation of the Delhi Tramways Union for exemption under the Employees' State Insurance Act was received by the Delhi Road Transport Authority. On the basis of this representation an application for exemption was made by the Delhi State Government for exempting the Delhi Tramways, a subsidiary organisation under the Delhi Road Transport Authority.

(b) Government consider that in order to safeguard the finances of the Corporation, the powers under section 87, which are of an enabling nature, should be applied as sparingly as possible. The application for exemption made by the Delhi State Government is under consideration.

AGRICULTURAL LAND FOR DISPLACED FAMILIES IN RAJASTHAN

***2245. Shri Karni Singhji:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of displaced families which have been allotted agricultural land in the Canal Irrigated Area of Rajasthan;

(b) the number of displaced families which have been allotted agricultural (non-irrigated) lands in Rajasthan; and

(c) whether any concession in the shape of partial remission in land revenue granted in order to rehabilitate those who have taken to cultivation?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

(c) Revenue was remitted in Matsya for the first year but actually no revenue was collected for the first two years. Besides, the Rajasthan Government has been given powers to make remissions in special cases.

WORK CENTRES

***2246. Shri Karni Singhji:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of Work Centres opened in Rajasthan and Bikaner to provide training and work to displaced persons;

(b) the number of people under training in these Centres on the 31st March, 1952; and

(c) the expenditure incurred on the Centres during the year 1951-52?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Seven, including one in Bikaner.

(b) 872.

(c) About Rs. 1,51,000.

RIVER VALLEY SCHEMES IN HYDERABAD

***2247. Shri H. G. Vaishnav:** Will the Minister of **Planning** be pleased to state:

(a) the River Valley Schemes undertaken in Hyderabad State under the First Five Year Plan; and

(b) the respective expenditure to be borne for these schemes by the Centre and the State Government?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Tungabhadra, Rajolibanda and the first phase of Godavari.

(b) The responsibility for executing these rests with the State Governments. In case of Tungabhadra, the Central Government are assisting the State Government by giving a loan.

INDELIBLE INK FOR CEYLON

***2248. Shri Telkikar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there was any demand for indelible ink from Ceylon Government for use in their recent General Elections; and

(b) if so, to what extent?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir.

(b) Does not arise.

MICA MINES IN NELLORE

***2249. Shri Nana Das:** Will the Minister of **Labour** be pleased to state:

(a) the number of mica mines in Nellore District;

(b) the number of mica mines whose depths are more than hundred feet; and

(c) the number of mines in which electric lights, lifts and exhaust fans are provided?

The Minister of Labour (Shri V.V. Giri): (a) About 200, of which 135 are at present being worked.

(b) Thirty-one.

(c) 12 mica mines are using electricity. There are no man-winding shafts. Ventilating fans have been provided in three mines and a fan is being installed in one other mine.

CEMENT FACTORIES IN HYDERABAD

***2250. Shri H. G. Vaishnav:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of cement factories working in Hyderabad State;

(b) what was the output of cement from these factories in the year 1951; and

(c) the quantity of cement exported from Hyderabad State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) One.

(b) 186,316 tons.

(c) 114,848 tons were despatched to neighbouring States. No quantity was exported outside India.

PAPER MILLS IN HYDERABAD

***2251. Shri H. G. Vaishnav:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of paper mills working in Hyderabad State;

(b) the output of paper from these mills in the year 1951; and

(c) whether the paper produced by these mills is sent outside the State and if so to what extent?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) One.

(b) and (c). Precise information is not available.

LABOUR WELFARE FUND FROM ASSAM COLLIERIES

***2252. Shri K. P. Tripathi:** Will the Minister of **Labour** be pleased to state:

(a) what amount of cess for Labour Welfare Fund has been raised from Collieries in Assam (year by year);

(b) whether the Funds have been spent and if so, for what purposes;

(c) who is administering the Funds; and

(d) has any Housing Board been set up for this purpose?

The Minister of Labour (Shri V. V. Giri): (a)—

Year	Rs. (to the nearest thousand)
1944—45	1,000
1945—46	74,000
1946—47	60,000
1947—48	89,000
1948—49	91,000
1949—50	1,22,000
1950—51	1,44,000
1951—52—Ests:	1,30,000

(b) Yes. About Rs. 3,10,000 were spent during the years 1944-45 to 1951-52 on account of anti-malaria measures, subsidy for pithead baths and general administration charges.

(c) Government of India in the Ministry of Labour, in consultation with the Coal Mines Labour Welfare Fund Advisory Committee, Finance Sub-Committee, Coalfields Sub-Committees (including one in Assam) and Housing Board.

(d) Yes.

ASSAM OIL COMPANY EMPLOYEES

***2253. Shri J. N. Hazarika:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of employees appointed in the Assam Oil Company, Assam;

(b) the number of non-Indians in the Company; and

(c) on what basis the appointments of higher category of officers are made?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) 7,500 approximately.

(b) and (c). The information is being collected.

ASSAM OIL COMPANY PRODUCTS

***2254. Shri J. N. Hazarika:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) which of the products and by-products in the Assam Oil Company at Digboi are exported to foreign countries; and

(b) whether there is any machinery to regulate and control the price of petrol and other petroleum products and if so, what is it, and how is it working?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) Only Paraffin Wax is exported to foreign countries.

(b) The selling price of petroleum products is fixed by the Oil Companies on the basis of a formula, approved by Government. The basic items in the current price structure of oil, both imported and indigenous, are the f.o.b. cost of supplies at the Gulf of Mexico ports *plus* the ocean freight from Abadan to Indian ports.

HOUSES FOR COAL MINE LABOUR

***2255. Dr. N. B. Khare:** Will the Minister of **Labour** be pleased to state:

(a) whether Government have their own Public Works Agency to execute the works in connection with construction of hutments for the Coal Mining Labour in Bihar;

(b) why has this separate agency been formed;

(c) why are the works not being executed through C.P.W.D.; and

(d) how do the rates obtained by these two agencies compare?

The Minister of Labour (Shri V. V. Giri): (a) Yes.

(b) and (c). Till 1947, the construction of buildings of the Fund was entrusted to the Central Public Works Department. Towards the end of that year, the Coal Mines Labour Welfare Fund Advisory Committee, which advises the Government of India in the administration of the Coal Mines Labour Welfare Fund Act, 1947, recommended that this should be put under them and their own Engineering staff, so that they can have greater control and supervision over the building projects. A further important consideration was that the cost of this separate organisation would be more economical than payment of prescribed departmental charges to the Central Public Works Department. This recommendation was accepted by the Government of India.

(d) I am satisfied that the rates compare favourably with what would have been paid if the works were executed through the Central Public Works Department.

EXECUTION OF BUILDING WORKS

***2256. Dr. N. B. Khare:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether works have been allotted for execution of buildings by various Ministries to agencies other than the M.E.S. and the C.P.W.D.;

(b) if so, what are those works, and what are their respective amounts; and

(c) why the works in connection with Defence Academy at Khadakvasla and Miners' Hutments and Reserve Bank Main Office building and the residential quarters are not being carried out by the C.P.W.D.?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir.

(b) It is not clear for what period the information is wanted by the hon. Member.

I shall also require a longer notice for collecting complete information about all such works.

(c) According to the C. P.W.D. Code, only "Civil" Central Government buildings are required to be constructed by the C.P.W.D. The Defence Academy at Khadakvasla, Miners' Hutments and Reserve Bank Main Office building do not come under this category.

RAYON YARN (IMPORT)

***2257. Shri S. M. Ghose:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are aware that very liberal import of Rayon yarn has adversely affected our own silk industry;

(b) what were the main considerations for allowing and on what basis did Government allow such a large scale import of Rayon yarn; and

(c) whether the Silk Board was consulted before allowing such a large scale import of Rayon yarn in this country?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (c). Imports of Rayon yarn are allowed only according to requirements, and Government did not consider it necessary to consult the Silk Board on this question.

STORE HOUSES FOR RAW JUTE

***2258. Shri G. L. Chaudhary:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of store houses for raw jute which are existing at present in **India**;

(b) the number in Uttar Pradesh and the places where they are situated;

(c) whether the existing raw jute store houses are sufficient for the requirements of the country;

(d) if the answer to part (c) be in negative, whether Government are contemplating the construction of new ones; and

(e) how many of these will be in U.P. and where?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (e). Arrangements for the storage of raw jute are made by those concerned with this trade. The Government of India do not maintain statistics of raw jute store houses, nor are they contemplating the construction of any on Government account.

GOVERNMENT LEATHER FACTORY IN MADRAS

***2259. Shri Elayaperumal:** Will the Minister of **Commerce and Industry** be pleased to state what was the total amount sanctioned by Government in the year 1952-53 for the leather factory conducted by the Central Government in Madras State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): There is no Government leather factory in Madras State. If the Hon. Member has in mind the Central Leather Research Institute, Madras, conducted by the Council of Scientific and Industrial Research, then the amount sanctioned for 1952-53 is as follows:

Rs. 9,50,000	non-recurring.
Rs. 3,83,900	recurring.

RETRENCHMENT IN BELTING FACTORIES

***2260. Shri Tushar Chatterjea:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that due to curtailment in production large scale retrenchment is going on in Belting Factories of West Bengal;

(b) if so, the figures of retrenchment factory by factory;

(c) whether it is a fact that curtailment in production in these factories is all due to inability of these factories to compete with the foreign import; and

(d) if so, what step Government propose to take to stop import of belting from abroad?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Not so far as I am aware, Sir.

(b) Does not arise.

(c) Except in April 1952, there has not been any curtailment in production during the first half of 1952, compared to the production in 1951.

(d) Does not arise.

DRINKING WATER FOR COAL MINERS

***2261. Shri P. R. Rao:** Will the Minister of **Labour** be pleased to state:

(a) whether provision has been made in the underground for the supply of coal and wholesome drinking water to the miners in the coal mines at Kothagudiam and Bellampalli in Hyderabad State as per clause No. 19 of Indian Mines Act, 1952;

(b) if the answer to part (a) above be in the negative whether there are any proposals to provide for the same; and

(c) if so, the period by which the above work will be completed?

The Minister of Labour (Shri V. V. Giri): (a) Drinking water is already being supplied underground in water tanks fitted on trollies.

(b) and (c). Do not arise.

EVACUEE PROPERTY IN INDIA

***2262. Giani G. S. Musafir:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether Government are going to evaluate the evacuee property in India in the near future;

(b) if so, how much time it is expected to take; and

(c) if the answer to part (a) above be in the negative, how do Government propose to fix the proportion of actual payment to the evaluated claims of displaced persons?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes. Valuation is in progress.

(b) Till the 31st December, 1952.

(c) Does not arise.

PILOT PEN MANUFACTURE IN MADRAS

***2263. Shri G. L. Chaudhary:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Pen Manufacturing Company of Japan has decided to open a pen manufacturing company in Madras near Red Hills;

(b) if the answer to part (a) above be in the affirmative, what quantity of pens will be manufactured there every year; and

(c) what is the annual demand for fountain pens in the country?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir. One Shri Paranjothi A. Sanjeevi of Madras had applied for a licence for the import of machinery from Japan worth Rs. 50,000 for the manufacture of fountain pen nibs and the Licence was granted on 9th January 1952. There has been a further application from this individual for a licence for import of machinery from Japan for the manufacture of fountain pen parts, which is now being examined.

(b) and (c). Government have no information.

INDIAN EMBASSY IN BELGRADE

***2264. Shri K. Subrahmanyam:** Will the **Prime Minister** be pleased to state:

(a) whether it is proposed to establish a full-fledged Embassy in Belgrade and reciprocate the courtesy extended to us by the Yugoslav Government;

(b) the additional money that will be required for having a separate Embassy in Belgrade; and

(c) whether the Yugoslav Government has any time requested that a separate Embassy be set up in Belgrade?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Government of India are considering the opening of an Office in Belgrade in charge of a First Secretary. It is intended that our Ambassador in Italy should remain concurrently accredited to Belgrade as now.

(b) The estimated expenditure of an Office in Belgrade will be about Rupees 1,65,200 during the first year and Rupees 1,21,200 in subsequent years.

(c) Yes.

TRADE WITH YUGOSLAVIA

***2265. Shri K. Subrahmanyam:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the volume of trade India had with Yugoslavia in 1950-51 and 1951-52;

(b) the goods imported from that country and exported to that country during the above years;

(c) whether the prices of Yugoslavia goods compare favourably with those for similar goods obtaining in the rest of the Eastern European countries and the Soviet Union; and

(d) whether the Yugoslav machinery displayed at the recent International Industries Exhibition held in Delhi is useful for our industries?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement giving the required information is placed on the Table of the House. [*See* Appendix X, annexure No. 51.]

(c) Government has no information.

(d) The Government are unable to express an opinion on this matter.

DELHI-AJMER-MERWARA RENT CONTROL ACT

*2265-A. **Pandit Thakur Das Bhargava:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the date from which the Delhi Ajmer Merwara Rent Control Act (1952) came into effect;

(b) whether the rules referred to bring out operations of several sections of the Act have been framed;

(c) if so, when; and

(d) whether it is a fact that owing to the rules not being framed the operation of several sections of the Act is in suspense?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) 9th June 1952.

(b) and (d). No rules under this Act have as yet been framed but the absence of these rules do not materially affect the provisions of the Act being implemented.

(c) The draft of the rules is now under examination and will be issued without much delay.

PATENTS ENQUIRY COMMITTEE

*2265-B. **Pandit Thakur Das Bhargava:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) when was the Patents Enquiry Committee appointed under the chairmanship of Dr. Bakhshi Tek Chand;

(b) when was its interim report made and what were the main recommendations;

(c) what steps did Government take to implement its recommendations; and

(d) when was the final report made and what steps did Government take to give effect to its recommendations?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 1st October, 1948.

(b) The interim report was made on 4th August, 1949. The main recommendations of the Committee were:—

(i) that it should be open to an interested party to apply for a compulsory licence or revocation of the patent on certain grounds;

(ii) that it should be possible to institute proceedings before the Controller of Patents and Designs for obtaining relief against abuse of patent rights; and

(iii) that an appeal should lie from any order of the Controller to an *ad hoc* special tribunal nominated by Central Government.

(c) The Indian Patents and Designs (Amendment) Act, 1950 (No. XXXII of 1950) generally giving effect to the recommendations was passed in April, 1950.

(d) The final report was submitted on 30th April, 1950 and is under consideration.

INDIAN MINES ACT, 1952

*2266. **Shri Vittal Rao:** Will the Minister of **Labour** be pleased to state:

(a) the States (Parts A and B) where the Indian Mines Act, 1952 has been enforced fully;

(b) the States (Parts A and B) where only certain provisions of the Indian Mines Act, 1952 have been enforced, and the provisions which have been enforced; and

(c) the steps that Government are taking to ensure the enforcement of this Act by the 31st December, 1953 as stipulated in the Act?

The Minister of Labour (Shri V. V. Giri): (a) to (c). The Mines Act 1952, has, in its entirety, been brought into force with effect from the 1st July 1952 in the whole of India except the State of Jammu and Kashmir by a notification issued under sub-section (3) of section 1 of the Act.

In view of the fact that quite a number of women will be out of employment if section 46 of the Indian Mines Act, 1952, which provides that no woman shall be employed at any time of the day or night in any part of the mine which is below the adjacent ground level, is enforced, it has been decided to permit employment of women in open cast workings only, by issuing an exemption order under section 83 of the Act.

REPRESENTATION FROM HINDUSTAN MOTORS LTD.

***2267. Shri H. N. Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) details of representation, if any, made by Messrs. Hindustan Motors Ltd. before and after closing down production;

(b) whether cars produced by this factory are cheaper than other cars of similar horse-power (i) imported from abroad or (ii) assembled in India;

(c) whether any other Indian producers have made comparable representations to Government;

(d) whether steps are contemplated to restrict import of cars; and

(e) whether Government have any plan to build automobile factories as State enterprises?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Certain representations were made by this firm in April, 1952, in which *inter alia* they stated that unless their stock position altered for the better they would have to close down. They have followed this up with other communications.

(b) The list price of Hindustan Cars is Rs. 11,075. Other makes of simliar category are listed at higher prices.

(c) Some of the assemblers have made representations regarding similar and other matters.

(d) The import policy for the second half of 1952 has not yet been announced.

(e) No, Sir.

FURNACE OIL

***2268. Dr. Amin:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the quantity of furnace oil imported from different countries during January—December 1950, January—December 1951 and January—June 1952 periods;

(b) the names of the firms, which imported furnace oil, the quantity imported and the price charged at the port of import including duty during the above mentioned periods:

(c) the average consumer prices per ton at the places of export, the shipping freights per ton and the import duty per ton during the above mentioned periods;

(d) whether it is a fact that the monopoly of the oil companies is working against the interests of our country; and

(e) if the answer to part (d) above be in the affirmative, what action Government propose to take to break this monopoly?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) to (c). Three statements giving the required information are placed on the Table of the House. [*See* Appendix X, annexure No. 52.]

(d) No.

(e) The question does not arise.

BONE-MEAL

***2269. Shri U. M. Trivedi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is an export duty on bones in Madhya Bharat;

(b) whether there is a ban on export of bones from Rajasthan; and

(c) what has been the effect of this on the bone-meal factories of Madhya Bharat?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

GROUNDNUT (EXPORT)

***2270. Shri Muniswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether producers of groundnuts in India are given facilities to sell their products outside India independently of professional export firms;

(b) if the answer to part (a) above be in the affirmative, which are the producers' organisations that are doing such business; and

(c) if the answer be in the negative, what are the reasons for not giving such facilities?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). As export of groundnuts is not now being allowed, the question of giving facilities to producers of groundnuts to export their produce does not arise. Producers of oil are eligible to receive export licences for oil.

MANGANESE

***2271. Sardar A. S. Saigal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there has been fall in the demand from abroad for manganese from Madhya Pradesh State;

(b) what are the districts in Madhya Pradesh State which are affected by the fall in demand; and

(c) what are the reasons for the fall in demand?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No Sir, there has been no fall in the total demand from abroad for manganese ore which is produced in Madhya Pradesh.

(b) and (c). Do not arise.

WORKSHOP AT HIRAKUD

***2272. Dr. Natabar Pandey:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) (i) the out-turn of workshop at Hirakud; (ii) the capital outlay on the workshop; (iii) the average expenditure on the workshop per month at different dam sites and (iv) the out-turn in terms of money;

(b) whether it is a fact that some dynamos were removed from the workshop for disposal to private persons and if so, whether any arrests have been made in that connection, and

(c) whether Government have received any complaints to the effect that old motor tyres are being sent to Calcutta for reconditioning and are being paid for as new when they are received back?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as possible.

MOTOR AMBULANCE VAN AT HIRAKUD

***2273. Dr. Natabar Pandey:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) (i) whether there is a motor Ambulance van for Hirakud Hospital; (ii) the total amount spent for medicine in the hospital per annum; (iii) the total amount spent on petrol and mobile oil for ambulance; (iv) the total amount spent on maintenance of the ambulance including staff; and (v) whether the van is used for purposes other than legitimate; and

(b) whether it is a fact that there is a bus for carrying the school going children from their houses to Hirakud School and if so, the total amount spent for the purpose?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) and (b). The information is being collected and will be laid on the Table of the House as soon as possible.

A.I.R. NEWS BROADCASTING SERVICE

***2274. Shri Kandasamy:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether there is any proposal to decentralise the A.I.R. news broadcasting service;

(b) if so, what is to be the basis of decentralisation, whether regional or linguistic; and

(c) if not, whether Government propose to consider the desirability of such a step?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir.

(b) Does not arise.

(c) Decentralisation of All India Radio's news service will involve considerable additional expenditure as separate editorial and other staff will have to be provided at each station. The question of enlarging the scope of local news coverage in regional language bulletins is under consideration, subject to availability of funds.

DRAFT FIVE YEAR PLAN

***2275. Shri Kandasamy:** Will the Minister of **Planning** be pleased to state:

(a) in how many languages is the draft outline of the Five Year Plan printed; and

(b) how many copies were printed and distributed in Tamil?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) and (b). The Draft Outline of the Five Year Plan has been published in Hindi and English. Shorter versions have been published in a number of Indian languages. 6,000 copies each in Tamil and Telugu are being published by the Government of Madras.

PASSPORTS FOR CEYLON TO PERSONS OF DRAVIDIAN PROGRESSIVE PARTY

***2276. Shri Kandasamy:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a group of persons, belonging to the Dravidian Progressive Party of Madras State requested for passports to go to Ceylon to attend a political conference at Ceylon in June 1952; and

(b) whether any of them have been refused passports and if so, the reasons for refusal?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). As far as we are aware no one from the Dravidian Progressive Party of Madras State applied for passport facilities for Ceylon to attend a political conference there in June 1952.

EVACUEE PROPERTY

***2277. Shri Pateria:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether Government have acquired all the evacuee property for utilising the same for giving it away to refugees in exchange for what they have left behind in Pakistan;

(b) what is the estimated value of the so called evacuee pool;

(c) what is the amount up to which full amount will be given and from what figure the slab system will be applied; and

(d) the total amount verified and claimed by the refugees?

The Minister of Rehabilitation (Shri A. P. Jain): (a) No.

(b) to (d). Information cannot be supplied at this stage.

MUSLIMS RETURNING TO UTTAR PRADESH

***2278. Shri M. L. Agrawal:** Will the **Prime Minister** be pleased to state:

(a) the number of Muslims who migrated to Pakistan from Uttar Pradesh during the period February to May, 1950;

(b) of the 23,991 such Muslims who returned for resettlement under the Indo-Pakistan Agreement of 1950 what is the number of those who returned in 1950, 1951 and 1952 respectively;

(c) the time-limit, if any, which was fixed originally for the return of such Muslims to Uttar Pradesh;

(d) whether this time-limit was extended subsequently, and if so, how many times, up to what date or dates and under what notifications;

(e) up to what date such Muslims who are still in Pakistan can return to Uttar Pradesh;

(f) whether they have to secure any permits from any authority and if so, from whom;

(g) what is the procedure to be adopted by such Muslims for their return to India (Uttar Pradesh); and

(h) whether any restrictions or conditions have been imposed on their return to Uttar Pradesh and if so what?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) Accurate figures are not available. It was however agreed that these recent migrants should be allowed to return to India. The number of such Muslims reported to have been registered by the Pakistan Government for repatriation to India is over 90,000.

(b) The total number of Muslims who have returned so far is 23,998. The figures for each year are as follows:—

10,836	(1950)
11,662	(1951)
1,500	(1952)

(c) and (d). The time-limit fixed originally for giving permits for permanent return to Uttar Pradesh, was 31st December 1950. The Government of India have, however, been fixing quotas of returning migrants, from time to time, in consultation with the Government of Uttar Pradesh and the High Commissioner at Karachi. So far, four quotas have been sanctioned, the last quota being for April-May 1951 which has not yet been exhausted. No notification has been issued about this

(e) and (f). No final date has been fixed; the Government of India will continue subject to the usual verification to take back batches, until all the recent Muslim migrants from U.P. on the list of the Pakistan Government, are exhausted. Returning migrants have to take permits from the High Commissioner for India in Pakistan at Karachi.

(g) and (h). The Government of Pakistan sends lists of recent migrants to the Indian High Commissioner at Karachi. The latter sends them to the Uttar Pradesh Government for verification by the District authorities concerned. The U.P. Government then reports to the High Commissioner the names of persons who are recent migrants out of the lists received from Pakistan. It also sends lists of recent migrants from Pakistan for whose returns applications have been received by the U.P. Government from their relatives or from the persons themselves, after verifications by the District officers, direct to the High Commissioner. The High Commissioner issues permits to persons whose names are given in the two lists, to the extent of the periodical quotas fixed from time to time by the Government of India. The permits are then sent by him to the Pakistan authorities for distribution to the migrants concerned.

The only condition which has been imposed is that if migrants return under false pretences, *i.e.*, by giving false information about the date on which they had left the Uttar Pradesh, not only are their properties not returned to them, but their permits are also liable to be cancelled and they are liable to be deported to Pakistan.

WEIGHTS AND MEASURES

***2279. Shri Meghnad Saha:** Will the Minister of **Commerce and Industry** be pleased to state what action Government have taken on the Report of the Indian Standards Institution Special Committee on Weights and Measures which met under the chairmanship of the then Director General of Industries and submitted valuable proposals for revising the weights and measures and coinage of the country on a rational basis?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The Indian Standards. Institution Special Committee on Weights and Measures submitted a report in 1949, recommending the introduction of metric system of weights and measures and adoption of decimalized currency in the country. The introduction of the metric system and of decimalized currency, however, involves considerable work and expenditure. In view of the other preoccupations of Government, it was decided to postpone consideration of the matter to a later date. The position is, however, being reviewed again.

PASSPORTS

***2279-A. Sardar A. S. Saigal:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the passports of Indian Nationals who had gone abroad are 'stamped' when they re-enter India and it is written "To enter India"; and

(b) what are the reasons for stamping the passports of the Indian Nationals?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). It has come to the notice of the Government of India that in some instances the passports of Indian nationals have been stamped with the words "permitted to land" at the port of entry. As this practice was irregular, the Government of India have issued instructions that it should cease.

DOCUMENTARY AND TRAVELLOGUE FILMS

***2280. Shri N. S. Jain:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the requirements of Government for documentary and travellogue films were advertised and tenders called for the same;

(b) which authority approved of these films;

(c) what were the rates per foot paid for 16 mm. and 35 mm. films separately; and

(d) were these purchases made directly by the Ministry?

The Minister of Information and Broadcasting (Dr. Keskar): (a) In order to encourage private production of documentary films, Government has reserved a quota for production by private producers. General requirements of Government are advertised and tenders are invited from producers selected out of those who respond to the advertisement.

(b) The films are approved by the Government of India on the advice of the Film Advisory Board.

(c) Rates varying from Rs. 10 to Rs. 12 per ft. have been paid for 35 mm. films purchased by Government so far. In addition, copies of some 16 mm. colour films have also been purchased at rates varying from As. -/7/- to Rs. 1/4/-, per foot.

(d) Yes, Sir.

NEWS REEL AND DOCUMENTARY PICTURES (APPROVAL)

*2281. **Shri N. S. Jain:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) what is meant by 'Approved Film' in case of Documentary and News Reel pictures;

(b) what is the constitution of the body which gives the Approval Certificate;

(c) how many such films were produced by private enterprise during the last four years which have been given Certificates of Approval;

(d) whether it is the policy of Government to encourage private producers to produce such films; and

(e) whether there are any rules for the News Reel and Documentary films produced abroad to obtain such Approval Certificates before they are exhibited in India and if not, why not?

The Minister of Information and Broadcasting (Dr. Keskar): (a) An 'Approved Film' is a film approved by the Government of India or a State Government for the purpose of the condition in cinema licences requiring the exhibition of a specified footage of such films.

(b) Government of India grant Approval Certificates on the recommendations of the Film Advisory Board.

(c) Government of India have granted Approval Certificates in respect of 9 films produced by private producers. Information about the number of Approval Certificates granted by State Governments is being collected and will be laid on the Table of the House.

(d) Yes, Sir.

(e) There are no separate rules for films produced abroad, each film, whether Indian or foreign, is considered on merits.

DOCUMENTARIES (COST OF PRODUCTION)

*2282. **Shri N. S. Jain:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the cost of production per foot of 35 mm. and 16 mm. films respectively of documentaries produced by the Film Division of the Ministry during the last four years;

(b) the cost of production per foot of 35 mm. and 16 mm. films of news reviews respectively produced by the Films Division of the Ministry during last four years; and

(c) whether Government invited private producers to supply documentaries to Government during the last three years, if so, when and what were the rates offered to them per foot?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The Films Division produces films only in 35 mm.; 16 mm. copies are made by reduction from 35 mm. The cost of production of documentaries varies between Rs. 10 and Rs. 25 per foot, depending upon the nature of the subject and involving shooting in various parts of the country. The cost of production of news reels is about Rs. 10 per foot.

(c) Yes, Sir. The rates offered ranged between Rs. 8 and Rs. 15 per foot.

SLEEPERS FOR HIRAKUD

*2284. **Shri R. N. S. Deo:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) (i) whether it is a fact that order for inferior quality of Deodar sleepers were placed for Hirakud with one Sri Jawaharlal Bhalla, a supplier from Punjab, though good quality Sal wood sleepers are available in Sambalpur and in other parts of Orissa;

(ii) if the answer to (i) be in the affirmative, will Government be pleased to state the quantity, total value and rate of the sleepers; and

(b) whether it is a fact that the Executive Engineer Store Division Sri Goel is closely related to the supplier and that he himself went to the supplying station in Punjab at Government expense to pass those sleepers?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) (i) and (ii). An order for 24,000 sleepers for the Hirakud Dam Project was placed with the East Punjab Government through the State Forest Department who had a rate contract for supply of timber to Government Departments. The supplies were arranged by the Forest Department through Messrs. Jawahar Lal Bhalla, one of the forest lessees at Jagadhari. For full details of the matter including the quantity obtained and rates paid. I would refer the hon. Member to the reply given to Starred Question No. 1517 put by Shri S. N. Sinha, on the 4th October 1951.

(b) Government have no information regarding the relationship of Shri Goel and the supplier; the matter is being looked into. Shri Goel was deputed to Jagadhari in response to the request of the Conservator of Forests, Punjab who desired that a representative of Hirakud Organisation should be sent to select the timber. Under the advice of the Conservator of Forests and with the help of one of his officers, Shri Goel selected the timber and gave instructions for its despatch.

DAMAGE TO COFFER DAM

***2285. Shri R. N. S. Deo:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the Coffer Dam constructed at Hirakud for diverting the stream of the river for facility of work during the rainy season has been washed away during the first slight flood last month;

(b) if the answer to part (a) above be in the affirmative, what was the total cost of the Coffer Dam and the total amount of damage done; and

(c) whether any machinery or other works were washed away or damaged as a result of the flood, and if so, the total amount of damage?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as possible.

ACCIDENT IN GUDUR MICA MINE

***2287. Shri Raghavaiah:** Will the Minister of **Labour** be pleased to state:

(a) what was the cause of the explosion in Srinivasa Mica Mine in Chennur Village, Gudur Tehsil, Nellore District, Madras State on the 13th May, 1952 which resulted in the tragic death of two workers and serious injuries to a third worker;

(b) whether the families of the deceased have been paid any compensation;

(c) whether it is a fact that when, on the information given by the Gudur Division Mica Workers' Union, the Mica Inspector visited this mine, he detected 159 detonators in a cement pit inside the Mica Factory, a double set of wage-registers showing mutually contradictory entries regarding the men involved in the accident of the 13th May, and also found a deficit of 5,400 lbs. in the stocks and clear evidence of smuggling of huge quantities of Mica; and

(d) what steps do Government propose to take in the matter?

The Minister of Labour (Shri V. V. Giri): (a) The explosion was caused by a drill rod encountering a misfired charge of Gelignite, while four drillers were drilling hole in a drive with a compressed air jack-hammer.

(b) Payment of compensation is governed by the Workmen's Compensation Act, 1923, which is administered by the State Government. The mine owner has admitted liability for payment of compensation. The Chief Inspector of Mines in India has already brought to the notice of the Commissioner for Workmen's Compensation, Madras that dependents of the deceased and the injured persons should be paid compensation.

(c) The Mica Inspector is an officer of the State Government and we have asked for a copy of his report from the State Government. I should, however, mention that matters like deficit in stock, smuggling of mica fall in the sphere of the State Government, which will no doubt take necessary action. On receipt of the Inspector's report, we will look into all the matters which concern the Central Government.

(d) As the accident was, to a certain extent, found to be due to the incompetency of the manager of the mine, the Chief Inspector of Mines has cancelled his appointment as manager and has asked the mine management to appoint a duly qualified and experienced manager forthwith which has since been done. He has also sanctioned the prosecution of the owner, manager and shot-firer under the Mines Act, 1952, for contravention of certain provisions of the Act and the Regulations. As regards full and prompt payment of compensation, the Chief Inspector of Mines has already taken up the matter with the Commissioner, Workmen's Compensation, Madras.

HARIJAN DISPLACED PERSONS

581. Shri Elayaperumal: Will the Minister of **Rehabilitation** be pleased to state the total number of Harijan displaced persons who live in India?

The Minister of Rehabilitation (Shri A. P. Jain): The Member is **referred** to my reply to part (a) of Unstarred Question No. 440 by Shri Rup Narain on 16th July, 1952.

MERCANTILE SHIPS

582. Shri Badshah Gupta: Will the Minister of **Production** be pleased to state:

(a) the names of mercantile ships of

indigenous origin put to sea during 1950-51 and 1951-52 respectively; and

(b) their respective costs and profits made by them till the end of 31st March, 1952?

The Minister of Production (Shri K. C. Reddy): (a) A statement giving the required information is placed on the Table of the House. [*See* Appendix X, annexure No. 53.]

(b) These ships were built at the Visakhapatnam Shipyard on Government account at a total cost of Rs. 1,88,05,258 and were sold to Indian Shipping Companies at a total price of Rs. 1,37,50,000 the difference of Rs. 50,55,258 being treated as Government subsidy to the Shipbuilding industry. It is not possible to give information on the profits that these ships may have made, as they are now under the control of Indian Shipping Companies.

PRESS AND STATIONERY EXPERT

582-A. **Dr. Ram Subhag Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the Government of India have requisitioned the services of a British press and stationery expert to re-organise the Government Presses; and

(b) if so, for what time the services of that expert have been requisitioned?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) Yes, Sir.

(b) For a period of two years

SALT RESEARCH

583. **Shri M. Islamuddin:** Will the Minister of **Production** be pleased to state:

(a) whether there is any Research Station for investigating the local problems connected with production of salt in order to improve the quality of salt and reduce the cost of production; and

(b) if so, the number and location of such Research Stations?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) One Research Station is located at Wadala in Bombay. A second Research Station is proposed to be established shortly at Bhavnagar in Saurashtra.

हरिजन विस्थापित व्यक्ति

५८४. **श्री बाल्पाल:** क्या **पुनर्वास** मंत्री यह बतालने की कृपा करेंगे कि:

(क) क्या यह सच है कि हजारों हरिजन विस्थापित व्यक्तियों को सरकारी शिविरों में अब तक कोई निवास-स्थान नहीं दिया गया है, और सरकार द्वारा उनको अब तक किसी प्रकार की सहायता नहीं दी गयी है;

(ख) क्या यह सच है कि उन विस्थापित व्यक्तियों के, जो सरकारी शिविरों में बस नहीं सके, नाम अब तक पंजीबद्ध नहीं किये गये हैं, और यदि सच है, तो सरकार इस विषय में क्या कार्यवाही करना चाहती है; तथा

(ग) क्या यह सच है कि गंगानगर (राजस्थान) के बहुत से सिंधी तथा अन्य विस्थापित परिवारों को, जो नौकरी या व्यवसाय में लगे हुये हैं और स्वयं किसान नहीं हैं, जोतने के लिये जमीन दी गयी है; और यदि सच है तो वहां पर ऐसे कितने परिवार हैं ?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Relief camps are open to all deserving displaced persons who applied for admission, without distinction. In the East this is being done. In the West there are no relief camps.

(b) Residence in camps was not necessary for the purpose of registration.

(c) Ordinarily land is allotted to persons who were either land-owners or doing agriculture in West Pakistan but there may be cases where displaced persons have given wrong information and settled on land. In such cases, if a displaced person carries on cultivation himself, he is not evicted but if he sublets the holding, steps to cancel his allotment are taken.

TEA

585. Shri K. P. Tripathi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the retail price of tea in England, France, United States of America and Australia expressed in terms of rupees;

(b) what is the wholesale price of tea in those countries (in rupees),

(c) what is the wholesale and retail price of tea in India;

(d) what is the transport charge per pound of tea from Calcutta to London and from Assam to Calcutta and also from Madras to London;

(e) what is the duty per pound of tea exported and what is the excise duty thereon; and

(f) in case of exported tea how is the excise duty adjusted?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (f). A statement is laid on the Table of the House [*See* Appendix X, annexure No. 54.]

वनस्पति-तेल (आयात)

*५८६. **श्री बादशाह गुप्त :** क्या **वाणिज्य तथा उद्योग** मंत्री यह बताल्ने की कृपा करेंगे कि १९४९-५०, १९५०-५१ और १९५१-५२ वर्षों में किन किन देशों से प्रतिवर्ष कितनी कितनी मात्रा में जमाये हुए वनस्पती तेल का आयात किया गया है ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Imports of vegetable oil product or vanaspati have been negligible—less than one ton—during the 3 years in question. No separate statistics are maintained of the imports of other forms of hydrogenated oil, but the quantities are likely to be extremely small. No country-wise breakdown of these imports is available.

FURNITURE FOR FLATS FOR MEMBERS OF PARLIAMENT

587. Shri M. L. Agrawal: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) through what agency the furniture for the North and South Avenue Flats for the Members of Parliament was purchased;

(b) whether complaints have been made by the Members of Parliament that Government have been made to pay very high prices for such furniture;

(c) the action that has been taken on such complaints; and

(d) whether it is intended to institute an enquiry into the matter?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The furniture was purchased by the Central Public Works Department.

(b) Yes, Sir.

(c) and (d). The matter has been investigated by Government and the material available with the Government does not disclose that the price paid for it was unreasonable. Any further enquiry into the matter is not likely to yield any fruitful result.

UNAUTHORISED ENTRY INTO INDIA

588. Dr. Ram Subhag Singh: Will the Minister of **Rehabilitation** be pleased to state the number of Muslims arrested under the Influx From Pakistan (Control) Act for unauthorized entry into India since 1st January, 1952?

The Minister of Rehabilitation (Shri A. P. Jain): 813 upto 30th June, 1952.

INDIAN IRON AND STEEL COMPANY

589. Dr. Ram Subhag Singh: Will the Minister of **Commerce** and **Industry** be pleased to state:

(a) whether any financial assistance has been given to the Indian Iron and Steel Company and the Steel Corporation of Bengal; and

(b) if so, what?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Rs. 2·5 crores.

INDIAN EMPLOYEES OF RANGOON CORPORATION

590. Dr. Ram Subhag Singh: Will the **Prime Minister** be pleased to state:

(a) whether Government are aware that many Indian employees of Rangoon Corporation were retrenched in the year 1948 following the constitutional changes in Burma;

(b) whether the accounts of these employees have been settled either by the Corporation authorities or the Burma Government;

(c) whether the Government of India were requested to take up this question with the authorities concerned; and

(d) whether the Government of India have taken any steps in this regard and if so, with what result?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) to (d). On receiving representation from some 128 affected persons, the Indian Embassy at Rangoon took up the matter first with the Corporation authorities and then with the Government of Burma who have asked these authorities to expedite payment. The Government of India are not aware if any case has been settled. The Embassy in Burma are still pursuing the matter.

STEEL MILL

***590-A. Shri Jangde:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Central Government have given permission to the Madhya Pradesh Government to open in the near future a steel mill at Bhilai, District Drug, Madhya Pradesh; and

(b) if the answer to part (a) above be in the affirmative, whether Government have made an estimate of the capital expenditure to be incurred on the said Scheme?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir.

(b) Does not arise.

SATYAGRAHA BY INDIANS IN CEYLON

591. **Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Government of Ceylon have requested the Government of India to ensure that no persons from India are given passport facilities to go to Ceylon to take part in the Satyagraha launched over there by the Ceylon Indian Congress; and

(b) if so, whether the Government of India have taken any action in that regard?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes. The Government of India were requested not to grant passport facilities to any person whose ostensible object was to offer Satyagraha in Ceylon. On behalf of the Ceylon Indian Congress also it was stated that they did not wish to encourage volunteers from India to come to Ceylon for the purpose of Satyagraha.

(b) The Government of India issued instructions that passports should not be issued to the persons to whose entry in Ceylon for this purpose the Government of Ceylon objected.

BOUNDARY LINE BETWEEN GOALPARA AND RANGPUR

592. **Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that an Indo-Pakistan Conference was held recently to survey and demarcate the boundary between 'Goalpara-Rangpur' area; and

(b) if so, the outcome of that Conference?

The Prime Minister (Shri Jawaharlal Nehru): (a) No separate Conference was held for this purpose, but the Chief Secretaries' Conference held at Dacca on the 25th and 26th April 1952, considered this question also.

(b) The following decisions were taken:—

(i) Armed forces of both sides should be withdrawn from Daikhowachar, Salapara and Nilakhia.

(ii) All new border outposts opened by either side since 11th March, 1951 along the entire, Goalpara-Rangpur border should be closed down and withdrawn to the pre-11th August 1951 position. No new border outposts should be opened anywhere along that border.

(iii) It was agreed that until the boundary had been demarcated in that area as agreed to between the Directors of Land Records on 11th August 1951, neither side should attempt to disturb the *status quo* or occupy by force any territory, disputed or otherwise. Any exchange of territory on the basis of demarcation would take place on a date and in accordance with the procedure agreed upon between the two Governments.

(iv) The joint survey for demarcating the boundary should be resumed in accordance with the decision taken by the two Directors of Land Records of Assam and East

Bengal on the 11th August 1951. The two Directors of Land Records of Assam and East Bengal accordingly met at Nilakhia on the 17th May, 1952 in pursuance of the decision at (iv) above, but they could not come to any agreement.

TRADE POSITION OF INDIA

593. Dr. Ram Subhag Singh: Will the Minister of **Commerce and Industry** be pleased to state: India's balance of trade position with the U. K. during the first half of this calendar year?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Our Balance of trade position with the U. K. in the first four months of this year was as follows:—

(Figures in lakhs ; of rupees)

Imports	Exports and re-exports	Balance of trade
5733	4570	—1163

(Figures for the months of May and June 1952 are not yet available.)

अनिवार्य भविष्य निधि

*५९४. **सेठ गोविन्द दास** : क्या **श्रम** मंत्री यह बतलाने की कृपा करेंगे कि किन किन कारखानों में कर्मचारियों के लिये अनिवार्य भविष्य निधि की सुविधा दी गयी है, और दूसरे कारखानों में ऐसी सुविधाओं के आरम्भ को प्रोत्साहित करने के लिये क्या पग उठाये जा रहे हैं ?

The Minister of Labour (Shri V. V. Giri): Available information shows there are about 163 factories in which employers have provided compulsory provident fund facilities. In addition, there are a number of factories which have provided these facilities on an optional basis. Recently, the Government have enacted the Employees' Provident Funds Act, 1952, for instituting contributory provident funds in factories engaged in the six scheduled industries, *viz.*, textiles, iron and steel, paper, cigarettes, cement and electrical, mechanical and general engineering products. An all-India scheme for the purpose is being finalised and it is expected to be brought into force soon.

नदीघाटियों का परिमाप

५९५. **श्री जांगड़े** : (क) क्या **सिंचाई तथा विद्युत** मन्त्री यह बतलाने की कृपा करेंगे कि १९४६ से लेकर अब तक कितनी नदीघाटियों में परिमाप कार्य किया गया है और कितने मामलों में परिमाप-कार्य को अधूरा छोड़ दिया गया था और कितनी नदी परियोजनायें प्रथम चरण या प्रारम्भिक परिमाप-कार्य के बाद छोड़ दी गयीं थीं ?

(ख) ये नदी परियोजनायें प्रारम्भिक परिमाप के क्रम में या उसके पूरे होने के बाद क्यों अधूरी छोड़ दी गयीं थीं ?

(ग) ऐसी नदी परियोजनाओं की संख्या क्या है, जो परिमाप के अन्तिम प्रतिवेदन के अनुसार अपनायी जाने योग्य ठहरायी गयी हैं ?

(घ) इन अधूरे परिमापों के ऊपर अब तक किये गये व्यय की राशि क्या है ?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) The following are the river valley schemes which have been taken up for investigation and surveys by the Central Water and Power Commission since 1946:—

Mahanadi Valley :	
(Orissa) —	1. Hirakud Project.
	2. Tikkerpara Project.
	3. Naraj Project.
(*Madhya Pradesh*) —	4. Upper Mahanadi Project.
	5. Jonk Project.
Kosi Valley :	6. Kosi Project.
Tapi Valley :	7. Kakrapar Weir and Canals Project.
	8. Ukai Project.
Narmada Valley :	9. Tawa Project.
	10. Bargi Project.
	11. Punasa Project.
	12. Broach Project.

Ganga River :	13. Ganga Barrage Project.
Sabarmati Valley :	14. Sabarmati Project.
Coorg Projects :	15. Lakshmanatirtha Project.
	16. Herangi Project.
Assam Projects :	17. Manas Project.
	18. Dihang Project.
Rajasthan :	19. Banas River Project.
	20. Kantli Project.

The following projects were left incomplete:

After preliminary survey work:

(i) Bargi Project of Narmada Projects.

(ii) Dihang Project of Assam Projects.

(iii) Banas River Project.

After investigations were completed:

(i) Lakshmanatirtha Project in Coorg.

(ii) Herangi Project in Coorg.

(iii) Kantli Project.

(b) *Bargi Project*: Investigations of the Bargi were suspended for the time being in 1950 owing to financial stringency. Collection of hydrological data is, however, in progress.

Dihang Project: Due to earthquakes and floods in Assam the entire topography of the Dihang river valley has changed. On account of this and as a measure of economy, detailed investigations on the projects have been suspended for the time being. Collection of hydrological and meteorological data is, however, in progress.

Banas River Project: Under this scheme, possibility of constructing a lift Canal from the proposed Bilaspur reservoir on River Banas to irrigate the fertile but dry land north-west of Arravali in Jaipur, Bikaner and other neighbouring States was investigated. 140 miles of fly levelling along the proposed alignments was done and rough costs worked out. With the taking up of the investigations on Kantli River Project which was expected to serve most of this area round about Pilani, detailed investigations on this project were closed.

Lakshmanatirtha Project: Two schemes, one anicut and the other storage were investigated for this project. The anicut scheme was both technically and economically sound but was strongly objected to by Mysore as the water proposed to be utilised by Coorg was already being used in the Mysore State and would have adversely affected the existing irrigation in Mysore State. The storage scheme, on investigation, was found to be prohibitively expensive.

Herangi Project: The schmee was meant to irrigate an area of 6,000 acres and to generate, 1,800 K. W. of power. Investigations show that the cost of the project will be very high. Moreover, there is another hydro-electric project in this State on the river Barapole, which is being investigated by the Government of Madras on behalf of the Coorg Administration. The Barapole scheme is expected to generate a large block of power at cheap cost. It was, therefore, considered not advisable to proceed with the Herangi Scheme.

Kantli Project: The investigations on this project which were nearly completed showed that sufficient water was not available in the river and hence the scheme was dropped. An alternative scheme of Tubewell irrigation was also investigated but was found to be prohibitively costly.

(c) One namely the Lakshmanathirtha anicut Project for the reasons explained in reply to part (b).

(d) The following is the amount spent on the surveys referred to:

Bargi Project —Rs. 6,70,502, (upto 31st March 1952).

Dihang Project—Rs. 2,45,673, (upto 31st March 1952).

Banas and Kantli Projects—Rs. 2,37,946, (upto 31st March 1952).

Coorg Projects—Rs. 2,11,271, (upto 31st March 1952).

DISPLACED FAMILIES SETTLED IN TERAI AREA OF U.P.

596. **Dr. Ram Subhag Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that some displaced families from East Pakistan are being settled in the Terai area of Uttar Pradesh for jute cultivation; and

(b) if so, how many families will be settled there?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) The scheme contemplated the resettlement of 500 families. 300 displaced families from East Pakistan have already been settled.

BROADCASTING (LANGUAGES)

597. **Shri Ganpati Ram:** Will the **Minister of Information and Broadcasting** be pleased to state:

(a) in how many languages of India the broadcasting is made in India;

(b) how many local languages are used for the purpose and specially from U. P.;

(c) whether any of the local dialects spoken in Banaras division, or Baliatic, Chhaparahi or so is used for such purpose; and

(d) if so, how many broadcasts were made in such local dialects during the period January—March 1952?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). A. I. R. broadcasts in 13 Indian languages. In addition, A. I. R. stations also broadcast programmes in local dialects for the benefit of listeners in rural and industrial areas. So far as U. P. is concerned, the Lucknow and Allahabad Stations broadcast programmes in Hindi and Urdu as also in certain local dialects, *viz.*, Awadhi, Bhojpuri, Brijbhasha, Bundelkhandi, Baghelkhandi, Magahi and dialects of the Kumaon hills.

(c) Yes; broadcasts in Bhojpuri, Baghelkhandi and Magahi are put out from Allahabad and Patna Stations for the benefit of rural listeners in Eastern U.P. and Western Bihar.

(d) The duration of programmes broadcast in such local dialects during the period January—March, 1952, from Lucknow, Allahabad and Patna Stations is given below:—

	Lucknow	Allahabad	Patna
Bhojpuri	85 min.	100 min.	525 min.
Magahi	13 ,,	15 ,,	350 ,,
Baghel-Khandi	— ,,	150 ,,	—

TEA, JUTE GOODS AND PAPPER

597-A. **Shri H. N. Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the demand for tea, jute goods and pepper has fallen in the export market;

(b) whether Government are aware that Soviet and Chinese spokesmen at the International Economic Conference in Moscow evinced particular interest in the import of the said three commodities besides others, from India; and

(c) whether Government propose trade talks with the Soviet Union and China in regard to the export of the said three commodities?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The demand for tea in export markets has not fallen but merely changed in nature, the accent being on quality. With regard to jute goods, exports for May and June are satisfactory. As regards pepper, there has been a slight fall in demand.

(b) It was I believe mentioned that the Soviet Union would be prepared to purchase from the Asian and Middle Eastern countries their "traditional export items", which include the three commodities in question. The Government of India are not however, aware of any particular interest in the import of tea, jute and pepper, evinced by the Soviet and Chinese spokesmen.

(c) Government have no such proposals under consideration.

INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951

598. **Shri Vidyalankar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of industrial undertakings against which action under Industries (Development and Regulation) Act 1951, has been taken since the Act was enforced;

(b) the reasons in each case; and

(c) the action taken in each such case?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The Rajkumar Mills Ltd., Indore.

(b) Substantial fall in the volume of production for which, having regard to the economic conditions prevailing, there was no justification.

(c) The Government of India appointed the Textile Commissioner, Bombay, to make a full and complete investigation into the circumstances of the case under Section 15 of the Industries (Development and Regulation) Act 1951. The Textile Commissioner has since reported that, the Mills have restarted work on the 14th July.

DOCUMENTARIES

599. Sardar Hukam Singh: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of documentaries actually made each year during the past three years by the Film Division of the Ministry and by private producers in India;

(b) the number obtained from producers in India and foreign countries;

(c) the number obtained by way of gifts either from U. N. O., U.N.E.S.C.O. or such other organisations;

(d) the number received from friendly governments through one or the other Ministry of the Government of India;

(e) the revenue collected by way of rentals on gift documentaries referred to in parts (c) and (d) above; and

(f) the way in which this revenue referred to in part (e) above is intended to be utilised?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The Films Division produced 22 documentary films in 1949, 36 in 1950 and 33 in 1951. Information about documentary films produced by private producers is not available.

(b) to (f). Information is being collected and will be laid on the Table of the House.

RIVER VALLEY PROJECTS IN ASSAM, MANIPUR AND TRIPURA

600. Shri J. N. Hazarika: Will the Minister of **Irrigation and Power** be pleased to state:

(a) the names of the small or otherwise river-valley or irrigation projects that are going to be taken up in the States of Manipur and Tripura;

(b) how many of them have been started on their preliminary works;

(c) how many K. W. of power will be generated from the projects when they are completed;

(d) the estimated acreage of land that will be brought under cultivation if and when the projects are completed; and

(e) the estimated expenditure and how much of it will be borne by the State Government?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Nil.

(b) to (e). Do not arise.

SILK BOARD

601. Shri S. M. Ghose: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the powers and functions of the Silk Board; and

(b) what financial aid the Silk Board has given to the different State Governments for—

(i) improvement of cocoon market; and

(ii) research works to improve the quality of cocoon and silk yarn?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The hon. Member may please refer to Section 8 of the Central Silk Board Act, 1948 (Act No. LXI of 1948).

(b) (i) Rs. 69,000.

(ii) Rs. 40,500.

SAFETY FUSE

602. Mulla Abdullabhai: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of explosive factories in India manufacturing safety fuse for blasting purposes and names of these factories with their full addresses;

(b) whether Government purchase their safety fuse for railway collieries;

(c) what steps Government propose to take for supporting these industries; and

(d) what is the total import of safety fuse in coils and value during 1950-51 and 1951-52 with the names of countries from which it was imported?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are two factories licensed to manufacture safety fuse in India, *viz.*, (1) Mr. Jehngir Shahpurji Patel, Murzban Road, Andheri, Bombay, and (2) M/S. Sanyal and Sons, Deshmukh Wadi Road, P. O. Bezon Bagh, Nagpur.

(b) No, Sir.

(c) No specific steps except assistance in the procurement of raw materials. Technical assistance will also be given if required.

(d) A statement is laid on the Table of the House. [*See* Appendix X, annexure No. 55.]

QUARTERS OF DISPLACED PERSONS

603. Giani G. S. Musafir: Will the Minister of **Rehabilitation** be pleased to state:

(a) whether some single roomed double storeyed quarters have been built in Jangpura, West Patel Nagar, Moti Nagar, etc., for displaced persons; and

(b) if so, how much area (in square yards) comes to the share of each family in these quarters?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). 'Two roomed' double story tenements have been built in various colonies. The size of the bigger room is 14′ × 10′ and that of the smaller room 10′ × 10′ in some and 10′ × 7′ in others. Bathrooms and lavatories have been provided separately. It has now been decided to provide an improvised kitchen on the back side.

MIGRATION TO AND FROM INDIA

604. Giani G. S. Musafir: Will the **Prime Minister** be pleased to state:

(a) the number of Muslims who left India for East Pakistan during the last one year; and

(b) the number of non-Muslims who came to India from East Pakistan?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Reliable figures are not available for migrants as such whether from East Pakistan to India or from India to East Pakistan. Figures which are available only for rail traffic in both directions include migrants and all other classes of passengers. These figures do not cover border traffic by road, or movement by boats, etc. The figures include repeated journeys by the same person.

The figures for the period 16th July 1951 to 15th July 1952 are as follows:—

(a) 9,10,663.

(b) 16,83,399.

जापानी सिल्क (आयात)

***६०५. श्री रघुनाथ सिह :** क्या **वाणिज्य तथा उद्योग** मंत्री यह बतलाने की कृपा करेंगे :

(क) जनवरी से जून १९५२ तक के समय में जापान से आयात की गयी सिल्क की कुल मात्रा और भारत सरकार द्वारा उसके ऊपर प्रति पौंड लगाये गये क्रमशः आयात एवं संरक्षण शुल्क ;

(ख) पाकिस्तान सरकार द्वारा क्रमशः भारतीय एवं जापानी सिल्क पर लगाये गये आयात एवं संरक्षण शुल्क ; तथा

(ग) पिछले वर्ष भारत में पैदा की गयी बंगलौर और काश्मीरी सिल्क की कुल मात्रा और भारत के दूसरे भागों में खपत के लिये मैसूर और काश्मीर से बाहर भेजी गयी मात्रा ?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 75,955 lbs. of raw silk was imported from Japan during January to March, 1952. Figures for later months are not readily available. The present rate of protective import duty on raw silk is 30 per cent. *ad valorem* plus Rs. 3/14/- per lb., plus the surcharge leviable under section 5 of the Finance Act, 1951, read with section 3 of the Finance Act, 1952.

(b) The Pakistan Government levies a standard rate of duty on raw silk of both Indian and Japanese origin at 25 per cent. *ad valorem* plus 14 annas per lb., plus 1/5th of the total duty.

(c) A statement is placed on the Table of the House. [*See* Appendix X, annexure No. 56.]

TEA

606. Shri H. N. Mukerjee: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the nature of representations received by Government from the Tea industry and the steps recommended therein;

(b) the terms of reference of the Inquiry Committee recently appointed for the tea industry and the date by which its report is expected;

(c) whether the announcement made on the 2nd July 1952, permitting the London Auction Market to export tea to the Continent was demanded by any Indian producers and approved by the Central Tea Board; and

(d) whether Government are aware that there is a substantial difference between the amount paid to Indian producers and the amount paid by foreign consumers and that this difference is being pocketed by middlemen, who are mostly non-Indians?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Representations received from the tea industry were for the provision of all round relief, including relief from taxation on tea, conversion of wages paid in kind into cash, cheaper transport facilities for coal for tea gardens, exemption from the Minimum wages Act, etc.

(b) The terms of reference were: "To investigate into the difficulties being experienced by the Tea industry owing to the sharp fall in price and to recommend measures of relief." No date was fixed for the submission of the report, but I expect to receive it shortly.

(c) Such a course was not "demanded" but recommended by the industry and endorsed by the Central Tea Board; but Government's decision was based on a careful consideration of all aspects of the matter.

(d) The answer to the first part of the question is in the affirmative. As to the second part I should think that some part of the difference is accounted for by the cost of blending, packing, overheads and transport.

भारत में विदेशी दूतावास

६०७. **श्री आर० एस० तिवारी**: क्या **प्रधान** मंत्री यह बतलाने की कृपा करेंगे:

(क) भारत में ऐसे दूतावासों की संख्या, जिनकी इमारतों के मालिक सम्बन्धित राष्ट्र स्वयं हैं;

(ख) ऐसे दूतावासों की संख्या, जिनके पास किराये के निवास-स्थान हैं, तथा

(ग) इनसे भारत सरकार को मिलने वाली किराये की राशि ?

The Prime Minister (Shri Jawaharlal Nehru): (a) Six diplomatic missions own buildings in India.

(b) All the forty-one diplomatic missions in India, including the six who have some buildings of their own, have rented accommodation either from the Government or from private owners.

(c) The amount of rent at present received by the Government from diplomatic missions in respect of Government-owned buildings placed at their disposal is approximately Rs. 28,000 per mensem. This figure excludes the amount of rent of accommodation in Government hostels allotted to diplomatic missions on a temporary basis, as the amount constantly varies.

INDUSTRIAL TRAINING INSTITUTIONS

608. **Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state:

(a) what are the courses of training for students of the Government of India Ministry of Labour Industrial Training Institutions and what type of diplomas students passing from such institutions get;

(b) whether it is a fact that holders of Overseer-diploma of the Government of India Ministry of Labour Industrial Training Centre Polytechnic Institute, Phargwan are refused recognition by the Public Works Department of Government of India and if so, why; and

(c) what provisions the Government of India have made to give employment to the diploma holders of such institutions?

The Minister of Labour (Shri V. V. Giri): (a) I place on the Table of the House a statement showing the 32 Engineering and Building Trades and 28 Vocational Trades in which training is imparted at the Training Institutes of the Labour Ministry, also a form of the diploma in Craftsmanship awarded to trainees who have completed their courses of training and have passed out. [*See* Appendix X, annexure No. 57.]

(b) It is not quite correct to say that the Overseers passing out of these institutes have been refused recognition by the C.P.W.D. Hitherto, the C.P.W.D. have accepted the Overseers' certificates granted only by those institutions as have been approved by the Ministry of Education. The Overseers' course was started at some of the Training Centres of the Ministry of Labour only in 1950 and the first examination was conducted in April 1952 and the results announced in June, 1952. The question of formal recognition of the Overseers' certificates granted by these Centres is under consideration in the Ministry of Education.

(c) Instructions have been issued to all Training Institutes Centres and to the Regional Directors of Resettlement and Employment to advice trainees to register themselves at the nearest Employment Exchange.

GLASS BANGLES

609. Shri K. C. Sodhia: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what was the total output of glass bangles industry in the country during 1951-52;

(b) whether this industry meets the total requirements of India;

(c) if not, what amount of worth of glass bangles were imported during 1951-52 and from what countries;

(d) whether this industry enjoys any protection; and

(e) what is the total number of labourers engaged in it?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) 14,000 tons in 1951.

(b) Yes, Sir.

(c) Bangles worth Rs. 10 only were imported from Singapore.

(d) No, Sir.

(e) About 50,000.

KYANITE AND SYLLYMANATE

610. Shri K. Subrahmanyam: (a) Will the Minister of **Commerce and Industry** be pleased to state: what are the ceilings fixed on the export of Kyanite and Syllymanate countrywise for 1951 and what are the ceilings for the current year?

(b) What are the total proved and potential resources of kyanite and syllymanate in India? Are they being used in the manufacture of "Electrical Porcelain" and "Alluminous Refractories" in India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The export quota of Kyanite/Syllymanate was 32,500 tons for 1951 and 35,000 tons for the current year. There is no destinational control on exports.

(b) The reserve of Kyanite and Syllymanate have not yet been accurately assessed. Investigations are being made by the Indian Bureau of Mines in regard to Kyanite. The minerals are used in the manufacture of "Alluminous Refractories" in India but not in Electrical Procelain industry.

PRESS PHOTOGRAPHS

611. Shri N. S. Jain: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) how many press photographers are employed by the Press Information Bureau and what is total amount spent on them; and

(b) whether it is a fact that the Press Information Bureau besides distributing photographs abroad, distributes pictures free of charge to press and various news agencies and certain individuals?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Four. Expenditure on their pay and allowances during 1952-53 is estimated at Rs. 30,300.

(b) Besides supplying photographs to the Ministry of External Affairs and certain Press Photographic agencies for distribution abroad, the Press Information Bureau distributes its pictures free of charge to the Indian Press. Photographs are not supplied to individuals, except occasionally to authors and publishers in the interests of Government publicity.

Dated......[illegible]

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Tuesday, 29th July, 1952

The House met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-15 A.M.

PAPERS LAID ON THE TABLE

REPORT OF INDIAN DELEGATE ON WORKING PARTY CONFERENCE ON STANDARD INTERNATIONAL TRADE CLASSIFICATION

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of the Report of the Indian Delegate on the Working Party Conference on Standard International Trade Classification held at Bangkok in January, 1952. [*Placed in Library. See* No. P—40/52.]

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by Government on various assurances, promises and undertakings given during the various sessions shown against each:

(1) Supplementary Statement I — Fifth Session of Parliament, 1952

[*See* Appendix XI, Annexure No. 28.]

(2) Supplementary Statement V — Fourth Session of Parliament, 1951

[*See* Appendix XI, Annexure No. 29.]

(3) Supplementary Statement III — Third Session of Parliament (Second Part), 1951

[*See* Appendix XII, Annexure No. 4.]

(4) Suppl mentary Statement III — Third Session of Parliament (First Part), 1950

[*See* Appendix XII, Annexure No. 3.]

(5) Supplementary Statement III — Second Session of Parliament, 1950

[*See* Appendix XII, Annexure No. 2.]

(6) Supplementary Statement V — First Session of Parliament, 1950

[*See* Appendix XII, Annexure No. 1.]

(7) Supplementary Statement IV — November-December Session, 1949 of the Constituent Assembly of India (Legislative)

[*See* Appendix XI, Annexure No. 30.]

ELECTION TO COMMITTEE

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

Mr. Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Indian Council of Agricultural Research, 12 nominations were received. Subsequently eight Members withdrew their candidature. As the number of the remaining candidates was thus equal to the number of vacancies in the Committee, I declare the following Members to be duly elected: Shri K. G. Deshmukh, Pandit Algu Rai Shastri, Shri Hira Singh Chinaria and Dr. Indubhai B. Amin.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> **"That the time appointed for the presentation of the Report of the Joint Committee on the Bill further to amend the Preventive Detention Act, 1950, be extended upto Wednesday, the 30th July, 1952."**

Mr. Speaker: The question is:

> "That the time appointed for the presentation of the Report of the Joint Committee on the Bill further to amend the Preventive Detention Act, 1950, be extended upto Wednesday, the 30th July, 1952."

The motion was adopted.

CENTRAL SILK BOARD (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move:

> "That the Bill further to amend the Central Silk Board Act, 1948, be taken into consideration."

The principal object of this Bill is to make the working of the Silk Board more efficient. The House will be aware that after the passing of the Silk Board Act of 1948 it was expected that the Silk Board would take a great deal of interest in the silk industry and be able to put it on a firm footing. I cannot say that the Board has not done anything—actually the Board itself meets once a year and its Standing Committee generally meets twice a year—but in actual practice it seems that the constitution of an autonomous body of this nature to look after the silk industry has been a trifle premature because the industry itself is not very well organised. Hon. Members in this House who had raised questions at the time when the Tariff (Amendment) Bill was discussed had complained that the protection granted to the silk industry was not adequate. Instances have been put forward in this House where in particular areas the industry is in a very parlous state. It is true that much of the complaint made in this House has a basis of fact behind it. We also found that in their report the Tariff Board could not recommend protection for this industry beyond December 1952, not because they were not willing to do so, but because they felt that all the facts of the case were not presented to them by the industry. Perhaps in view of the unorganised state of the industry it might have been better if the Silk Board itself had undertaken this work of presenting all the facts before the Tariff Board. These and other facts have made the Government sit up and examine whether we could not make this Board work more efficiently. Within the limits of the information that I possess and my own ideas of how we could develop this industry, I felt that close attention by Government was necessary for a period of time before the Board could function as an autonomous body, and it is with this view that I have brought forward this amending Bill.

The amending Bill has one major provision—it might be called major if hon. Members think that it is a major change. It seeks to take away from the Board its power of electing the Vice-Chairman and allow the Government to nominate that person. At the present moment the Board has no Vice-Chairman. The term of office of the last Vice-Chairman has elapsed and no Vice-Chairman has been elected again. The Government felt that in the circumstances, if the Vice-Chairman happens to be for the time being an official—and he will also then be a member of the Standing Committee—he will be able to give close and personal attention to the industry which by being merely a member of the Board which meets once a year he may not be able to do. Also, there was this question of the autonomy of the Board which creeps in every now and again, and the manner in which the Board functions, and its relations to Government, are extremely unsatisfactory. In fact, I have been asking for information from the Board—I have not got it. I have sent down officers to find out what is happening—very little has come forward by way of help. So I have felt that the time has come when, at any rate for a period of time, this Board has to function as a department of Government if the industry is to be benefited at all by this Board. One might say that the appointment of a Vice-Chairman who is an official is a retrograde step. It might be, I quite concede, but the industry must be organised and be able to take care of itself before we can leave it to the Board to manage its affairs. And according to my view, by reviewing the work that has been done since the Act came into force, I think the Board has not been able to look after the work that was entrusted to it and to help the industry materially.

Hon. Members here have complained about grant of licences for importation of raw silk. Again, some other Members, and certainly the industry, have complained that the silk mills do not have enough of silk yarn for carrying on their work. Government have been trying to do their best in regard to licensing. They want to keep the industry going, at the same time ensure that the local raw silk industry does not suffer. I think concentration in the hands of a Government official who is in charge generally of this type of work and leaving it to him to adjudicate between the rival claims of the local raw silk industry and the mill industry would produce better results than what we obtain at the moment. All that the Government propose to do is to say that an official will be the Vice-Chairman for the time being. The amending Bill does not say that he should be an official for all time—it merely takes the powers for Government to appoint a Vice-Chairman. It may be that next year if we find that the organisation is working well and its relationship with Government is satisfactory there will be no need for an official Vice-Chairman and he can give place to a non-official. So it does not mean that this system is to come to stay for all time, but at the moment the reform that we need and the efforts that we have to undertake in making the Board active and useful can only be done by making it almost a part of the Government machinery, temporarily at any rate. That is why this particular Bill has been brought forward before the House.

There is also one other provision—clause 2—which has been put in because an amending Bill was brought forward. Clause 2 seeks to amend section 4(c) of the original Act. According to that section, two persons have to be "elected by the Members of the Central Legislature from amongst themselves in such manner as may be prescribed etc." We have now another House and naturally that House also wants representation. In order to provide for representation to the other House, we have sought to bring in this amendment. That, in short, is the purpose of the Bill. Normally, it is not the practice at this stage to anticipate the amendments, but I shall deal with a few of them.

I find amendments by Shri Gurupadaswamy from Mysore suggesting circulation in one instance and Select Committee reference in another. The issue to be decided by the House is very simple. Does it want the Board to function as it has been functioning all along, or does it want that the Government should pay greater attention to it? If that issue is settled, the question whether the House will accept this Bill or not will also be settled. The question of circulation of the Bill is not necessary, nor is it necessary for it to be considered by the Select Committee because it is not a very complex issue that has to be considered. I know that my hon. friend from Mysore is very much interested in this industry and I am sure he will consider the proposal I have put forward. If he does so, I do hope that he will come to the same conclusion to which I have come, namely, that in order to put the industry on its feet Government will have to strive hard for a period of time and this is one of the means which will help the Government to assist the industry materially.

Other amendments are by Shri Raghunath Singh. He wants the addition of representatives from each State —U.P., Bengal, Mysore, Jammu and Kashmir and Assam. If he would look into the Act, he will find that representation is provided for some of these States under section 4. Four persons are to be nominated by the Government of Mysore; two by Madras; two by West Bengal; one by the Jammu and Kashmir Government and one person each by C.P. and Berar, U.P., Bombay and Bihar. I do not know if he has looked into it. If he has, I think he will find that this amendment is unnecessary.

The last amendment relates to the representation of the legislature. That also would not be proper at this moment to go into. The representation would be adequate if two Members of this House and one Member of the other House sit on the Board. That, I think, disposes of the amendments which I have tried to anticipate at the moment.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Central Silk Board Act, 1948, be taken into consideration."

I should like to know whether Shri Gurupadaswamy would like to move any of his three amendments for circulation.

Shri M. S. Gurupadaswamy (Mysore After the assurances of the hon. Minister, I do not intend to press my amendments in this respect, but I wish to express my opinion regarding certain matters.

Mr. Speaker: That is another matter. He will get the opportunity during the discussion of the Bill.

Shri A. C. Guha (Santipur): The hon. Minister of Commerce and Industry is fortunate enough to have so many autonomous Boards under his control and this House very seldom gets any opportunity to discuss the working of these Boards. All these autonomous Boards, some under his Ministry and others under some other Ministries, handle huge amounts: and sometimes Government makes a grant to them and sometimes excise duties are collected and handed over almost automatically to these Boards. Very

[Shri A. C. Guha]

often, there is no mention of this amount in our Budget papers. I drew the attention of the Finance Minister to this on several occasions and he gave me a promise that he would see that this anomaly is removed. Even when these Boards get grants out of excise collections, the practice should be that these amounts should be entered in our Budget papers and the disbursements shown.

As regards this Board, the hon. Minister has practically forestalled us by admitting all the defects and the complaints that one might bring up against this Board. It is not our argument that this Board has not done anything good for the industry; but when it was set up and certain monies were every year being sanctioned by Government, it was expected that it would work efficiently and under the control and supervision of Government. But now the Minister tells us that he asked for certain reports and information and they have not been forthcoming. Under section 9 of the original Act, the Central Government may from time to time make grants to the Board of such sums as it may consider necessary and from the Budget papers for this year I find that Rs. four lakhs and fifty thousand was the amount sanctioned by the Central Government to this Board in 1951-52. Apart from the grant, there is provision in section 10 for the imposition of cess on certain kinds of silk and this money, if collected, is automatically handed over every month to the Board. I do not know whether any excise duty was imposed by Government and collected and handed over to the Board.

I have been trying for the last few days to get the report of this Board. I could not get it in the Parliament Library. I made a complaint and only yesterday some five or six reports for the last few years have been received in the Parliament Library. I think that this Board should not be so autonomous as to ignore this Parliament which created it and sanctions the money for it and endows it with the powers which it exercises. This Board should submit its annual report to this Parliament and the hon. Minister should see that all the Boards functioning under him do this without fail.

In the report I have seen, I find that there is no mention about the accounts. We do not know the amount that has been spent. We do not know whether there was any excise duty collected and if so, how much. We do not know the expenditure. There is also no mention as to how the funds at the disposal of this Board are audited. Since the hon. Minister himself says that this Board has not been functioning properly and that he is not satisfied with its working, I do not like to say much about it. I have already requested him to direct the Board to submit its annual report to this House showing the full accounts of monies received and spent and also giving information about the audit. Every pie that is spent on these autonomous Boards should be entered in our Budget papers. Although neither the Finance Minister nor his assistant is here, I would request both of them to see that this is done.

As regards the amendment that is sought to be made, I welcome it. The Vice-Chairman is already a member of the Standing Committee and he presides over the meetings of the Board and of the Standing Committee in the absence of the Chairman, and the hon. Minister is the Chairman of the Board. It is not always possible for the Chairman to attend the meetings of the Standing Committee; so the Vice-Chairman is practically the dominating authority in all the Standing Committee meetings. As Vice-Chairman he has got some special powers also. They are contained in the rules framed under the Act. In this connection I would like to state one thing. Almost all these Acts give either the Government or the Boards powers to frame rules. Though these rules are placed before Parliament, either due to our own fault, or to a defective system, the House seldom gets an opportunity to pay proper attention to the rules. One of the rules of the Silk Board gives the Vice-Chairman the power to enter into contracts on behalf of the Board. This is a very important function and should not be allowed to be exercised by all and sundry persons who may be elected by the Central Silk Board, which the hon. Minister himself has admitted has not been working properly or under the efficient supervision of Government.

I welcome the idea that the Vice-Chairman should be a Government nominee and preferably a Government official. When we are planning towards a Welfare State and the Government is expanding its control over all spheres of activities, I do not think the idea of having an official in such bodies is a retrograde step. Had it been the idea of this Government to move towards a decentralised economy, then I would have certainly admitted that this is a retrograde step; but when we are not moving towards decentralised economy, we cannot but have Government control effectively done in all these Boards. So, I support the idea of having a Government nominee as Vice-Chairman of the Board.

As regards the other amendment it is not of much significance. Naturally the Upper House should have a representative. Of course this House will be kept informed about the activities of the Board by its representatives on the Board. These members are not expected to control the Board. They should only keep this House informed of the activities of the Board. They should be something like a connecting link between the autonomous Boards and this House.

Shri M. S. Gurupadaswamy: The hon. Minister of Commerce and Industry in his brief speech explained the necessity for this amending Bill. He showed sufficient understanding of the problems of this industry. Drawn as he is from that part of the country where silk is grown and produced, naturally he has understood the various problems facing the silk industry.

He also, in his statement, anticipated some of the criticisms which would be levelled from our side and also explained the policy pursued by the Government of India in this respect. But I cannot resist the temptation of pointing out some of the loopholes in the policy so far pursued by the Government of India. I beg to submit with all due respect to the hon. Minister that the Government has no policy as such with regard to this industry. The silk industry today, particularly in the area from which I come, is in a state of collapse. It is almost fading out of existence. The reasons are well known. The most important reason is that there is too much import of foreign silk yarn and silk fabrics from abroad, particularly from Japan and Italy. On account of these large imports during recent years, the native silk industry has suffered a grave set-back. The prices of locally produced silk yarn and cocoons have fallen down considerably this year. During the past two or three months the Government of India have issued more licences to importers to import raw silk and yarn and silk fabrics from abroad. In fact they have doubled the quantity of import during these three months. There was no special reason to import such large quantities of silk, when there was a hue and cry from mulberry planters that silk should not be allowed to be imported from abroad. There have been frantic representations made both to the Government of Mysore and also to the Central Government that the import of silk from abroad will actually kill the native industry. I made this fact clear when I spoke the other day on the Tariff Bill. On that occasion the hon. Minister assured me that immediate steps would be taken to see that the native industry was protected properly. He also said that imports of silk would not be permitted to such an extent. Even today, after three months, I have received many representations from my people in Mysore that the silk industry is deteriorating, that the market is fluctuating and that there is a great slump. In this connection I want to submit that the slump in the silk market today is not a part of the general slump that is spreading over India. The slump in the silk industry began earlier than the general slump. The reason, as I said, is that there is no proper supervision or control by the Central Government in regard to this industry. Government in this respect is not following a consistent policy. In the beginning they wanted to stabilise the prices of silk fabrics, cocoons and other things, but later I find that there is a sort of laxity in their control, a sort of lack of policy in this respect.

In this connection I want to submit that in many parts of Mysore mulberry planters are uprooting their plantations, because they are not getting good prices for their cocoons. It is because the price they get is not adequate to cover their cost of production. Now when the mulberry plantations are being uprooted, and production falls there will be greater necessity felt by the country to import more and more silk. The result would be that the native silk industry would vanish. As the House is aware, during the first world war the silk industry in India received an impetus, because silk was needed for war purposes. Soon after the war, it received a great set-back and many mulberry planters and weavers had to close their business because there was no sufficient market for the goods produced. And during the second world war also there was great demand for silk and silk yarn.

Mr. Speaker: Order, order. It is necessary to appreciate exactly the scope of the present Bill which refers to the amendment of the constitution of the Silk Board principally. I can concede that the hon. Member is quite in order in inviting the attention of this House to the state of the silk industry. But the principal object is to see as to how the Board should be constituted.

[Mr. Speaker]

It is difficult to say which observation as regards the silk industry is relevant and which is not relevant. Every observation will be remotely relevant in so far as he speaks of the silk industry. Therefore, it is better that the hon. Members who wish to speak on this Bill do not make it as an occasion for discussing the state of the silk industry in India or any particular state of things or the functions of the Government with reference to the silk industry. Only prominent aspects may be put in, in a short way, in so far as they affect or will mould the constitution of the Silk Board or the view-point with which the Silk Board should function. To that extent the observations will be relevant. Otherwise, on a small Bill like this, we shall be taking up one full day by taking up the question of the entire silk industry. The hon. Member need not, therefore, go into details as he is going into now, but may make the broad points, which I believe he has made by now. If he has any further points, he may certainly make them. But that is the limitation of the debate on this Bill.

Shri M. S. Gurupadaswamy: Sir, I shall confine my remarks to the amendment in question. The Board that has been constituted under the Silk Board Act of 1948 has been, so to say, sleeping in all these years and is not doing its work. One of the reasons advanced by the hon. Minister was that there has not been sufficient control of the activities of the Silk Board by the Ministry. And I have got a suspicion as to how he will get greater control over the activities of the Board and how he will secure co-ordination of the activities of the Board with the activities of the Ministry by appointing an official or a Government spokesman as the Vice-Chairman. He himself admitted that it seems a sort of retrograde step to nominate instead of electing the Vice-Chairman. But he says it will smoothen the activities of the Silk Board and will help the Government to have greater control and greater supervision over the silk industry. But I want him to explain how it is possible for him to achieve this sort of control which he wants to have, by nominating an official or non-official as the Vice-Chairman of the Silk Board. How can he succeed? Of course I want him to succeed. I therefore want clarification in this respect as to how it is possible to achieve the end he has in view merely by nominating a man as the Vice-Chairman instead of having him elected. I would also like to know what are the drawbacks in having the Vice-Chairman elected. If there are grave drawbacks, then I have no objection and let him have a nominated Vice-Chairman. What we really want is work. What we need is that our silk industry should grow and develop.

[SHRI PATASKAR *in the Chair*]

Moreover, as I said, the Silk Board nowadays is just sleeping; it is not meeting at all. I came to know that it was to meet on the 18th or 19th of this month, but it was postponed. Once it was called to meet in Kashmir. Then it was postponed. Then it was called to meet in Delhi on the 18th or 19th of July. But again it was postponed. It is after all in the hands of the Government to arrange for a meeting of the Board at some place or the other to see that the activities of the Silk Board are properly conducted, and to see that the Board takes more interest in its affairs. Unless they meet often, twice or thrice in the year, they cannot turn out any work. So the hon. Minister cannot charge the Board for its laxity or for its inefficiency or for the loose manner in which it is working. It is in the hands of the Minister himself to see that the Board is more active. He can call the meetings of the Board as often as possible in the year.

There is of course the Standing Committee of the Board. It meets once or twice a year. But even the Standing Committee meetings should be arranged more quickly. The members of the Standing Committee should meet as often as possible to have an overall picture of the silk industry now and then. After all, the silk industry is a vital industry of the nation. We cannot allow it to suffer like this. To make this industry stand on its feet, to make it more prosperous and to develop it, it is always better to have meetings of the Board and the Standing Committee as often as possible.

Anyway, as I have said, I do not want to move any amendment. I only want the hon. Minister to assure the House how he is going to achieve the object he has in view of having more control over the silk industry, how he will be able to stabilize the silk industry, and how he will be able to protect the industry from foreign competition.

I want also to place before him another issue that is involved, that is the competition by indigenous artificial silk. Today artificial silk is produced in India and it is also imported from abroad. It is a great competitor to our natural silk industry. How it is possible to bring about a sort of co-ordination between the two branches of this silk industry, artificial and natural silk, how it is detrimental to the industry if the Government encourages the import of artificial silk from abroad and the production of indigenous artificial silk here, and how this hinders the growth of the natural silk industry—these problems should be carefully looked into. They are very important problems. I say again that so far the Government has not followed any fixed policy—it has no policy at all. I hope at least the hon. Minister who has taken charge of this subject and who is drawn from the silk industrial area will look into all these things and take proper steps to see that this industry is rehabilitated.

Now, there is another point. There has to be a small amendment. I am not moving it but I will just bring it to the notice of the hon. Minister. Here the Chairman is the Minister in charge of Commerce and Supply. Now, he is the Minister of Commerce and Industry, he is not a Minister of Supply. So I feel that an amendment is necessary in this respect. Instead of the Minister of Commerce and Supply...

Shri T. T. Krishnamachari: Industry and Supply.

Shri M. S. Gurupadaswamy: It has to be the Minister of Commerce and Industry.

Shri T. S. A. Chettiar (Tiruppur): When the Silk Board was established there were great hopes held out to the industry that they would really get good help. I come from an area which specialises in the silk industry, that is, Kollegal in Coimbatore district. The whole taluk depends upon this industry. Today they are at a very low ebb indeed. I had occasion to go to the Library and ask for a report of this Silk Board. Unfortunately the Librarian could not give me one and he said that no such report was ever received. I would suggest to the Government that they should make it a point that the annual reports of every Board constituted by them—it may be a Tea Board, Coffee Board or a Silk Board—should be sent to this House. They may be placed on the Table of the House or at least it may be brought to the notice of Members that such reports are received and submitted. Without these reports we are unable to know whether any work is being done. As seen from the original Act the Board has to do some very good work such as "undertaking, assisting or encouraging scientific, technological and economic research, devising means for improved methods of mulberry cultivation, developing and distributing healthy silkworm seeds, reeling of silkworm cocoons, and many others, the supply of technical advice to filature and charkha reelers etc". To help them to do this work they are also allowed to levy a cess; in addition to the grant that they may get from the Government, they are allowed to levy certain cesses. We would like to know whether any cess has been levied by this Board.

Shri T. T. Krishnamachari: No cess has been levied.

Shri T. S. A. Chettiar: I also want to know whether any work as is mentioned in the clauses of the Bill has been done. I am indeed very sorry to learn from the hon. Minister that the work that has been turned out by the Board is not satisfactory. So it is a welcome measure so that a greater control may be exercised over the Board and that a Vice-Chairman, probably a Government official will be appointed so that the Government will have a proper check on the Board.

It has been said in the opening speech that the protection given to the silk industry was not found to be sufficient and I would like to refer here to a certain alternative spinning material that has been imported into this country and particularly what is called "stable fibre" that has been introduced in this country in the spinning mills. For want of cotton, they were allowed to import this staple fibre. I have gone to hundreds of weavers in the course of the recent elections and most of the weavers complained that this staple fibre is a fraud. It does not stand for more than two or three washings while put in water and the result is that the weavers who eke out their living by weaving complain about it. I do not know why this staple fibre should be allowed to be imported into this country at all. If you go to the market in Delhi, you will find things which were imported in a large measure. which are not good material but which stand cut-throat competition with the indigenous industry especially in silk. I would like the Government to go into the matter.

The Tariff Board had made a report last year and I understand from a letter that is published here that the

[Shri T. S. A. Chettiar]

Mysore Government which was one of the important producers of this industry was not satisfied with the protection given to that industry. Neither do the Government of India seem to be happy over the protection given to the industry. Protection should be effective when it is given. I would suggest to the hon. Minister that things like the staple fibre should be entirely banned, if possible, as they do not even give the money's worth to the poor man who purchases it.

These are some of the few suggestions which I thought I would make. We hope that next time when any report of this Board is put before the House, we will see substantial work being done by the Board.

10 A.M

Shri Raghabachari (Penukonda): I did not very much intend to participate in this debate, but I happen to come from Dharmavaram, a famous place where silk *sarees* are manufactured and I am intimately associated with the producers of silk *sarees* as well as with consumers. As the whole Board and its administration is going to be entirely under the control of the Government, the Minister being the Chairman and another Vice-Chairman being nominated, the relevant point that I wish to suggest to the hon. Minister is this. The complaint in this industry is that the silk industry is suffering because of foreign competition. There are two sections of the silk industry. One is the producer of the raw yarn and in competition with the import of yarn from outside, he suffers and the other is the consumer, as well as the person who makes the cloth. I have invariably found by experience that whenever you import silk from outside, the weaver gets more employment as more things are manufactured and the consumer has always the advantage as the prices go down. Therefore, this is really a fight between the man who actually produces the raw material and the foreign silk import, by which he suffers: the man who actually consumes it sometimes suffers and sometimes benefits. When the Board is under the control of the Government, it would be the great concern and responsibility of the Government to so control the import policy that really the consumers' interest as well as that of the weavers, who naturally produce more goods when there is plenty of yarn, are safeguarded. These two things must be protected in conjunction with the man who actually produces the raw material. That is a point which I wish to emphasize.

It is rather difficult for me to locate where exactly the difficulty has arisen. The Chairman is the Minister in charge and the other gentleman who is now elected is the Vice-Chairman. The Minister's statement revealed that there appears to be a sort of non-co-operation somehow between the Board and the Government. He complained that certain information asked for was not being supplied and reports were not being submitted. So the Chairman, the Vice-Chairman or the whole Board seem to have a feeling of non-co-operation between them. Could not the Minister as Chairman try to remedy this defect? Secondly, it appears that the Board does not seem to exist for any useful purpose and the Minister wants to give this new shock so that it may have effect on the Board.

The power of nominating for a year as stated by the hon. Minister in order to effectively function may be accepted, although it is a retrograde step. The producer of the raw material, the consumer and the weaver who produces—these are always in competition and in the process of controlling the affairs of this Board, this may also be kept in view.

Shri R. K. Chaudhury (Gauhati): I happen to be one of the unfortunate members of the present Silk Board and I hope that the House will bear with me in patience for some little time for this reason, if not for any other reason. According to me the issue which is before the House so far as the Bill is concerned is whether we should have an elected Vice-Chairman as at present in the Board or whether we should have a nominated Vice-Chairman and whether the corollary follows that an official is certainly to be more depended upon than an elected member. If we accept this position then it would be much better to have an official Central Silk Board than to have a sprinkling of elected members in that Board. If this is the principle on which you act, namely, that an official is far more dependable and that an official is credited with greater efficiency even in a Board like the Central Silk Board, why now bother your heads about the increased number of elected members in the Central Silk Board? Why do you want to have another member from the Upper House or any other House? Why not do away altogether with elected members on the Central Silk Board? It is very well known to the House that the present Commerce Minister is very earnest so far as expansion of industries in India is concerned. We have known him even while he was an ordinary Member of this House and the keen interest that he takes in matters industrial raises hopes in our minds that the future prospect of industry in India is in very safe hands. But, at the same time, I must say with great regret that I cannot agree with him in the view which he has expressed that an official Vice-Chairman will be of more service to the Central Silk Board. I know of an elected Vice-Chairman of this Board. I cannot concede that any other person, official or non-official, will be more competent than him. He was a retired officer, a Rai Saheb or Rai Bahadur. I think he was originally working in the Mysore Government. His knowledge of the industry is certainly marvellous and he was of great help to the Board itself. I cannot for a moment concede that there cannot be another elected non-official member who is capable of taking his place. I submit that in this Bill instead of saying that an official shall be appointed, we might very safely say that an official may be appointed in certain cases, for instance, when we find that in the Board there is not a competent man who could be elected.

Shri T. T. Krishnamachari: Government will now nominate, and they can nominate a non-official.

Shri R. K. Chaudhury: If that is the view of the Government, then, we might put this clause in this way: that in cases where the Board finds that they have no competent person to elect as Vice-Chairman, then, the Board shall report the matter to the Government and the Government shall appoint or nominate a Vice-Chairman. That would save the prestige of the elected members of the Board.

Shri M. S. Gurupadaswamy: May I interrupt the hon. Member for a Minute? In the Statement of Objects and Reasons, it is stated that the Vice-Chairman should be a Government official.

Shri Raghabachari: It is stated here:

> "It is felt that if the Vice-Chairman is a Government official appointed by the Government, he could take greater interest. . . . .."

Mr. Chairman: I think the hon. Minister will reply in due course. The hon. Member may proceed with his speech.

Shri R. K. Chaudhury: I could not quite follow.

Mr. Chairman: The hon. Member may proceed in his own way without minding the interruptions.

Shri R. K. Chaudhury: Section 6 reads as follows:

> "The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman."

The present amendment in clause 3 is:

> "In section 6 of the principal Act, in sub-section (1) for the words 'The Board shall elect from among its members' the words 'The Central Government shall appoint from among the members of the Board' shall be substituted."

As the amendment stands at present, I do not think it will be possible for the Board to exercise the option of electing their Vice-Chairman. I would therefore suggest that the amendment may be to this effect: that whenever the Government considers it necessary on account of the fact that there is no suitable member who could be elected as Vice-Chairman, then, Government shall appoint an official as Vice-Chairman. That is the procedure followed for some time also in electing Chairman of Municipalities and local boards. If the Government would not accede to the proposal that I have made, the hon. Minister may accept at least this suggestion of mine, namely that the election of the Vice-Chairman shall be subject to the approval of the Central Government. If that is done, the Government will be in a position to exercise their judgment whether the person elected as the Vice-Chairman by the Board is a suitable person or not, and if not the Government will exercise their option of not giving their consent to that election and then Government may appoint some other person as Vice-Chairman. I think that is the best course. Otherwise, it is not only a reflection on the present Silk Board, it is also a reflection on the competency of the elected Members of this House or of any House who will exercise the functions of the Vice-Chairman. That is tantamount to a reflection. I would repeat my request to the hon. Minister to accept one of the two suggestions that I have made before the House namely that the Government may exercise the option when they find that the Board has not been able to select a suitable man as Vice-Chairman or when they find that the Board has elected a Vice-Chairman whose election they cannot approve of, and then only they can appoint an official as Vice-Chairman.

[Shri R. K. Chaudhury]

Secondly, I would draw the attention of the House to one remark which has been made by the hon. Minister, a remark which has been made in the Statement of Objects and Reasons namely that in order to enable the Government to take a greater interest in or pay greater attention to the Silk Board, the nomination of an official as Vice-Chairman is necessary. I join issue on that point. It is not on account of an elected Vice-Chairman that Government has not taken greater interest or paid greater attention to this Board. It is on account of the fact that individual Ministers find it impossible to pay the attention that is due to the Central Silk Board. When my hon. friend Dr. S. P. Mookerjee was the Minister in charge of Industry and Supply, he always made it a point to attend every meeting of the Central Silk Board, and he used to evince very great interest in the affairs of the Central Silk Board. It was his idea and I hope that idea is still shared by the hon. Minister of Commerce and Industry also, that a great deal of the future of India depends on a proper expansion of the silk industry in this country.

So far as my State is concerned, I can say that if greater interest is really paid to the silk industry in my State of Assam, it alone can increase the output of indigenous silk in this country about ten times more within a short time. But, that opportunity has not been given to Assam. Not because there was an elected Vice-Chairman; the elected Vice-Chairman, though a man of advanced age, was always anxious to visit Assam and see things for himself. He also desired to encourage certain inventions which were made in Assam, that they should be brought to the Committee so that they may be examined. But it is not on account of the lack of interest shown by the Vice-Chairman or the Members of the Central Silk Board, that they were lacking in interest in the silk industry, but it is on account of the failure of the Government to give the necessary funds to carry on the work of the Silk Board.

My hon. friend, Mr. Guha, has said that he is giving his whole-hearted support to this Bill. I wish I also could do that, but I have been inconvenienced by the possession of knowledge of certain facts of which my hon. friend Mr Guha is absolutely ignorant.

the petty sum of rupees four lakhs or so which my hon. friend said was given to the Silk Board was hardly enough to improve this industry, particularly when this industry is at loggerheads with the silk imported into this country. Unless you can protect this industry for some time—and that protection it has not been possible to give so long on account of the failure of the Ministers in charge to pay greater attention to this industry—it is very difficult to make progress. If that attention had been paid, the output of silk would have increased many times. As I said, the attention which is wanted is not so much the attention of the Vice-Chairman. The attention of the hon. Minister in charge of industries is wanted, and that attention can be exhibited, demonstrated to the satisfaction of all concerned if more funds are put at the disposal of the Central Silk Board.

How are we suffering for want of an official Vice-Chairman? Can this official Vice-Chairman induce the Government to give greater grants? Can this official Vice-Chairman—I ask this question pointedly—persuade the Government to give larger grants to the Silk Board than it is possible for an elected Vice-Chairman who may happen to be a Member of Parliament or a Member of some State Assembly? Is it possible for an official Vice-Chairman to get greater attention from the Minister than an elected Vice-Chairman who may happen to be a Member of Parliament or one of the State Assemblies? If this question is answered in the affirmative by the hon. Minister, then I will be bound to say that the hon. Minister has suddenly conceived a greater attachment for the officials than he has for his own associates the Members of Parliament or the Members of any Legislature.

I may mention in this connection what disadvantage we had for want of funds. A certain gentleman named Shri Nidhiram Das has devoted his entire life to the silk industry, spent his life in inventing three spinning wheels. one for spinning cotton, one for spinning tussore and one more. I have moved the Central Silk Board several times for the grant of a certain sum of money so that these things could be distributed all over India. My hon. friend Mr. Mahavir Tyagi himself purchased one of the spinning wheels from that gentleman, and he had given a trial to the spinning wheel, and the output of this spinning wheel is much greater than the output of any other spinning wheel which has been invented up-to-date. He has also invented a spinning wheel for the manufacture of tussore. That spinning wheel was sent to Orissa and to Bihar and demonstrated there and all those who have seen it have marvelled at the increase of output from this spinning wheel. The Secretary of the Central Silk Board went to Gauhati and himself saw the experiment being made, but he was handicapped for want of funds. What he did was to purchase a certain number of spinning wheels from him and distribute them in different parts of India. But that gentleman has spent all his fortune for improving the spinning wheel and he has no factory to manufacture them. He has been granted a certain sum of money by the Government of Assam which is very small and which does not help him at all. What I was saying in this case was that a lakh of rupees be granted to this man for the improvement of the spinning wheel and for its distribution throughout India. If the Government had undertaken to start a factory and distribute these spinning wheels, I think in India the increase in output of silk would have been several times more than what it is. But, how can the Central Silk Board give one-fourth of its funds to a particular State or for any particular invention? Unless Government earmarks that grant for that purpose, the Central Silk Board is quite helpless in the matter. And the Central Silk Board was several times asked to come and see the place. The predecessor to the present hon. Minister had once upon a time given an engagement that he would go and see these spinning wheels in Gauhati on a certain date at a certain time, but unfortunately, he could not do so. So, what is wanted is not greater attention through an official Vice-Chairman, but greater attention, greater interest from the Chairman himself, from the Minister himself. The Minister has to think whether it is worth while for this country to have a larger output of silk or whether it is not worth while; whether it is better for the Government to pay more attention to the cotton textile industry, and not to the silk industry. If the latter is the view which is entertained by the hon. Minister, then it is better not to have the Silk Board at all. Let us give our attention to silk after this emergency is over. But if we really want the Silk Board, if we want to foster the indigenous silk industry in this country, he should himself take interest. He should not introduce this ill-feeling between officials and non-officials by his preference openly in this House of an official in place of a non-official. Could not any elected non-official from this House who is quite competent, hold the office of Vice-Chairman? When the funds of the Silk Board are so low, why should we appoint an official as Vice-Chairman whose pay will perhaps be not less than Rs. 2,000 per month. Rupees two thousand so far as the Silk Board is concerned, is not a small sum. Twenty-four thousand rupees a year is not small. And that function can be very well carried on by an elected member either of this House or of a Legislature.

Then, another thing which is a great menace to the silk industry in this country is the import of artificial silk and the mentality of our fashionable young women who want to change their silk, their clothes, their dress, their sarees very frequently. I tell you one thing: the silk which is produced in Assam is durable practically throughout one's life. It is not torn easily, and it has to be worn practically all one's life. Now, the fashionable young women do not like to have durable silk at all. They want silk which can be changed twice a day. They do not want any durable silk. The point at issue before the Board would be whether durable silk or the artificial silk is to be preferred. After all, it is the voice of the women that matters, and they are practically in a great majority preferring the flimsy silk. Of what use then will be the indigenous silk? I do not know whether the hon. Minister has seen the moonga silk......

Shri T. T. Krishnamachari: I have not.

Shri R. K. Chaudhury: Mahatma Gandhi, after examining this silk, said in Gauhati that this moonga silk is the finest woven silk that he had seen in India. This silk is very durable, and every time it is washed, it becomes more and more golden in colour, and does not develop any verigated pattern of colours. I have seen that in sarees nowadays,—even in the dresses of Members of Parliament—all sorts of designs and flowers etc. in all sorts of colours. But the moonga silk preserves its golden colour. Therefore, I submit that if you really wish to foster the silk industry, do not allow our indigenous silk to be pushed out of the market by artificial silk. My hon. friend Mr. Jhunjhunwala made a complaint the other day that in Bhagalpur, silk was gradually being ousted from the market, because of the import of a large quantity of artificial silk. This artificial silk does not last long, and so the women can change their dresses very frequently. I would most respectfully appeal to this House and also to the hon. the Minister that we must once and for all decide that we should have indigenous silk. Then we have to take measures to protect our silk industry against the imported artificial silk. We have to do propaganda about our indigenous silk, and educate our

[Shri R. K. Chaudhury]

people in this behalf. We have also to impress on them the durability of the indigenous silk. We should not yield to the temptation of having frequent changes in dress, by having resort to these artificial silks.

Once again I have to oppeal to the hon. the Minister to amend this clause in the manner I have suggested. Let us give the Board once again a chance to exercise their own option as to whether they will have a non-official Vice-Chairman or an official Vice-Chairman.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): The Bill before the House is a small amending Bill, but it is destined to serve a very important purpose. It seeks to amend the two provisions of the parent Act, namely the Central Silk Board Act of 1948, by which the Government of India assumed full control and responsibility for the raw silk industry in this country. A cess was imposed, and the Central Silk Board and its Standing Committee. . .

Mr. Chairman: May I bring it to the notice of the hon. Member the fact that the present Bill is more or less confined to the constitution of the Central Silk Board. I quite understand that the hon. the Speaker, while in the Chair, said that anything relevant to this Bill may be said. But at the same time I think we have had a fairly good discussion about the import of silk etc., the general state of the silk industry etc. I would advise hon. Members therefore to confine themselves, as far as possible, to the composition of the Board which is the main subject-matter of this Bill, so that the same points may not be urged over and over again.

Dr. M. M. Das: I am speaking about the Board itself. A cess was imposed. . .

Mr. Chairman: I do not want to interrupt the hon. Member. But let him confine himself to the limits I have suggested.

Dr. M. M. Das: A cess was imposed. . .

Shri T. T. Krishnamachari: No cess was imposed, although it can be imposed.

Dr. M. M. Das: And the hon. the Minister of Commerce and Industry was the Chairman of the Board. Although four years have passed since this Central Silk Board came into existence, yet the condition of the silk industry in the country has neither improved nor stabilised. On the contrary, as has been stated in the Statement of Objects and Reasons, this industry has been placed in very difficult circumstances. Apparently the Central Silk Board, which the original Act had created, has failed absolutely to discharge its functions adequately and satisfactorily. This failure on the part of the Board has been ascribed to two reasons in the Statement of Objects and Reasons. One is that the hon. the Minister of Commerce and Industry, who is the *ex-officio* Chairman of this Board could not attend the meetings of the Board regularly, due to his other pre-occupations, and secondly the Vice-Chairman was a member elected by the Board, and not appointed by the Government, and so he could not discharge his functions entrusted to his responsibility. These are the only causes that are responsible for the deplorable condition of the silk industry in our country today.

As has been mentioned by many hon. Members, the import of large quantities of foreign silk, especially Japanese, and the rampant speculation on artificial silk, have their repercussions on the price and the demand for raw silk in the home market. Mysore, which is the largest silk producing State in India, has asked the Central Government to impose quantitative restrictions on the import of silk. Our annual consumption of silk as determined by the Tariff Board is about four million pounds, whereas our annual production is 2·1 million pounds. So there is a real necessity for the import of silk from foreign countries. But the quantum of import has to be calculated. In order to do that, we must take into consideration the fact that the substitution of natural silk by artificial silk is increasing daily in this country.

In the Statement of Objects and Reasons, it has been said that in order to place the industry on a stable foundation, it is necessary that the Government should have a more effective voice in the control exercised by the Board over the industry. A brief reference therefore to the various factors that have made it imperative for our Government to assume greater control over this industry may not be irrelevant or impertinent. The silk industry is one of our very ancient and important industries. It gives a valuable income to thousands of poor cultivating families in different parts of the country, it saves a substantial part of our foreign exchange, and it provides our armed forces with a very important necessity, namely the parachutes. The silk industry all over the world has one aspect of its own which makes it imperative for our Government to assume greater control over this industry. In every silk producing country, whether it is Japan, or India, the production of raw silk is a subsidiary industry of the poor peasant. Raw silk cannot be produced on a large manufacturing scale in factories. When I say that raw silk cannot be produced in factories, I mean that it will not be remunerative at all to produce raw silk in factories. The cost of production of raw silk in factories will be too high to stand in competition with the silk manufactured by cottage industries. The production of raw silk is suitable only as a subsidiary industry for peasant families who grow mulberry and rear silk worms in their own fields. Sericulture or the production of raw silk cannot be taken up by highly industrialised countries, because people there find more remunerative occupations in their mills and factories. This is the reason why the raw silk industry cannot be taken up by countries like the United States of America. Thus the production of raw silk is always and everywhere the industry of the poor cultivator. It cannot improve, it cannot flourish without the active help and active participation of our Government. Not only in our country, where the primary producers of raw silk are poor and illiterate, even in countries like Japan the improvement of this silk industry is directly proportional to the help and active participation of the Government received by them.

Mr. Chairman: May I suggest to the hon. Member that all these points are only remotely relevant and the only point that arises directly out of the Bill is the composition of the Board? The Speaker had already held that these points were remotely relevant. It will be better to reserve these observations for some other occasion.

Dr. M. M. Das: Sir, I was only mentioning the factors which have made it necessary for our Government to take greater control of the industry. Anyway, there is another point which has no doubt been mentioned by some other hon. Members which I beg to place before the House and to which I wish to draw the attention of the Government. The greatest enemy of the silk industry in our country today is the artificial silk or rayon. The price of artificial silk is very low compared to that of natural silk. The weavers in many cases use artificial silk as the woof and natural silk as the warp. *Sarees* are thus made cheaper and they find a ready market in the country. Thus the demand for natural silk is reduced. This makes the fabric of very low durability and it is sold in the market as a pure silk product. The consumer is thus cheated and when he pays the price of the pure stuff, he gets a less durable stuff. The result is that the customer is inclined to buy less and less amount of silk goods. This is a very important matter to which I want to draw the attention of the Government. The position is just the same as the adulteration of pure ghee with *vanaspati*. My suggestion is that the Government should impose a ban upon the weaving of artificial silk with natural silk.

Before I conclude I beg to make one more submission to our Government. Government want a more effective control over the affairs of the Silk Board and the Silk industry. We have no objection at all to that. But what we do expect from our Government is that they should do everything in their power to improve the silk industry of our country. The silk industry has got a great future in this country and it is capable of solving many important and pressing ecomic problems in our rural areas, especially of the lower middle class and the cultivators. I support the motion.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Chairman: I think there has been sufficient discussion so far as this small Bill is concerned. Therefore, I accept the motion for closure.

The question is:

"That the question be now put."

The motion was adopted.

Shri S. N. Das (Darbhanga Central): Before the hon. Minister replies, I would like to ask one question—whether the opinion of this Board was taken on this point regarding the official Vice-Chairman and whether the reports of this Board and other commodity Committees are supplied to Parliament Library or not, and if not, why the reports are not supplied?

Shri T. T. Krishnamachari: I am sorry to have taken up the time of the House over this innocuous measure. It seems to have aroused a certain amount of heat and also a certain amount of interest. A question was asked by my hon. friend behind whether I had taken the opinion of the Board. My whole complaint is that the Board does not function. It met a year back. As my hon. friend said, the Board was to meet at a

[Shri T. T. Krishnamachari]

very delectable place called Srinagar, not having been before to Srinagar, I would have taken the opportunity of attending the meeting, but I felt Parliamentary work was more important than attending the meeting of the Silk Board at Srinagar. I hope I will be able to visit Srinagar sometime before my life comes to an end. The Board does not function. Whom am I to ask? How can I consult the Board about this? The whole idea is that the Board has not functioned, it does not function and so we thought at least we could make the Standing Committee function. The idea really is that the Vice-Chairman is nominated by Government and he will be in the Standing Committee. The Standing Committee would meet and would function. The hon. Mr. Rohini Kumar Chaudhuri—he has gone away now—asked 'Why should we not have non-officials?' The non-official may be somewhere in Assam and the Standing Committee will meet in Delhi or Bombay. He would not be able to come to the Standing Committee meeting. The whole thing is so horrible that I would rather bring in a motion to repeal the Act! The Silk Board cannot be allowed to continue in this moribund state. My idea really for the time being is to make my Textile Commissioner the Vice-Chairman and to shift the Standing Committee office to Bombay and ask him to put some life into this particular Board and to help this industry in a small measure. If hon. Members do not want it, well the responsibility for the industry languishing will be on them and not on my head.

A number of questions were raised. It was asked whether a cess was levied. No cess has been levied. The accounts of the Board are regularly audited by the Deputy Accountant General under rule 12 of the rules prescribed. For the time being, import of the staple fibre, raw silk, has been kept in abeyance. We have not yet announced the Policy. Until there is a further study in regard to the needs of the relevant industries, I do not propose to permit import. But perhaps if the industries are kept closed— for instance, I am told that the art silk industry is kept closed and they manufactured about 300 million yards of cloth every year and employed somewhere about 40,000 to 50,000 workers—I might be compelled to allow imports, but in any case at the moment they are all matters which are being examined.

To come back again, a number of hon. Members have made a lot of useful suggestions and I have taken note of all of them and if Government are to exercise, some kind of control over this Board and reform its method of working, the suggestions that hon. Members have made will be usefully noted and I can assure hon. Members that these suggestions will be considered and, as far as possible, utilised.

My hon. friend, Mr. Arun Chandra Guha, raised some very vital issues in connection with Boards functioning under Acts of Parliament under my Ministry. I recognise the force of his criticism. In fact, it would be my ambition to relate the working of these Boards somehow to supervision of Parliament in future. I cannot make any promise at the moment, but my mind is running on these lines, that the reports must be placed on the Table of the House. Of course, these reports are sent to the Library; I shall in future place these reports also on the Table of the House.

Shri A. C. Guha: The reports were not available in the Library. I complained and they were sent only yesterday afternoon and I find them this morning.

Shri T. T. Krishnamachari: I recognise in this particular instance the reports came only yesterday, but that again shows that the Board has not been functioning properly.

There is another remark of my hon. friend, Mr. Rohini Kumar Chaudhuri, that the Board has been functioning properly. It meets once a year. The Standing Committee is supposed to meet twice a year and it has not met the second time during the current year. If the industry is going to be helped by keeping this Board in this moribund condition, the House can well understand what will happen to the industry.

Shri R. K. Chaudhury: On a point of information, Sir. If the report has not come, is the Vice-Chairman responsible for that or the members of the Board, or is the Secretary responsible?

Shri T. T. Krishnamachari: The question really is that we want to bring home the responsibility to somebody, and we can only bring it home to an official, not a non-official. Non-officials are above any kind of responsibility—in most Boards I am sorry to say they are decorative. I do hope when we reconstitute the Board members will take a little more interest. But we can bring home the responsibility only to an official. That is why for one year at any rate we propose to try this. If it proves successful, well, we might try it for some time more. If it does not prove successful I shall certainly appoint a non-official and allow the Board to languish. It is not a question of my being wedded to a particular idea of bringing an official into it. I want to do some good to this industry.

Well, that seems to be the answer in regard to the various questions put. But in regard to further amendments that may be necessary, I have said before in another connection that I am examining the entire question. Even if the Silk Board Act has to be amended in some measure perhaps as I may have to amend the Coffee Marketing and Control Act and the Rubber Production Act also, we will probably bring forward the amendments together—we will put them together in one Act. I shall then tell the House how we propose to improve the working of the Board, but the matter is under examination. But I thought the present amendment was rather urgent particularly because of the insistence by hon. Members that more attention should be given to this industry by Government—an insistence which I thought had substantial basis on facts. I need not go further into this matter but I do hope that if the House approved of it some good will result out of this to the silk industry.

Shri A. C. Guha: May I know whether the Board has taken any steps in the direction of technical and economic research and for testing and grading the raw silk? Those are the two important functions of the Board.

Shri T. T. Krishnamachari: I have a summary of what the Board has been doing. It made certain recommendations to Government. It has imported some machinery from Japan. A batch of three Indian seri-culturist officers from Madras, Mysore and Bengal were sent to Japan at the suggestion of the Board. Twenty thousand saplings of different varieties of mulberry plant have been imported. They have three technical inspectors affording practical technical assistance and guidance to mulberry and non-mulberry silk-growing States. So far as any research is concerned, I cannot find any evidence in any record that is produced before me, but as I said I am quite willing to concede the matter is entirely unsatisfactory.

Mr. Chairman: The question is:

"That the Bill further to amend the Central Silk Board Act, 1948, be taken into consideration."

The motion was adopted.

Clause 2. (*Amendment of section 4 etc.*)

Shri M. S. Gurupadaswamy: I am not moving my amendment.

Shri T. T. Krishnamachari: May I suggest that if the hon. Member, Mr. Gurupadaswamy moves his amendment to make "two" into "three" Members of the House of the People, I would willingly accept it.

Shri M. S. Gurupadaswamy: I beg to move:

In page 1, line 8, for "two persons" substitute "three persons".

Shri T. T. Krishnamachari: I accept the amendment, Sir.

Mr. Chairman: The question is:

In page 1, line 8, for "two persons" substitute "three persons".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

RESOLUTION *RE* BERNE CONVENTION FOR PROTECTION OF LITERARY AND ARTISTIC WORKS

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): I beg to move:

"This House approves the Berne Convention for the protection of Literary and Artistic Works, as finally revised at Brussels on the 26th of June, 1948 and signed by the representatives of the Government of India and of the Governments of certain other countries, and is of the opinion that the said Convention should be ratified by the Government of India."

Mr. Chairman: Resolution moved:

"This House approves the Berne Convention for the protection of Literary and Artistic Works, as finally revised at Brussels on the 26th of June, 1948 and signed by the representatives of the Government of India and of the Governments of certain other countries, and is of the opinion that the said Convention should be ratified by the Government of India."

Sardar Hukam Singh (Kapurthala-Bhatinda): Is he not going to tell us what it is about, Sir?

Shri K. D. Malaviya: This is with regard to the revised Berne Convention passed in June. 1948. The revised Convention widens the scope of the expression "Literary and Artistic Works". As knowledge advances it is felt that the scope of the expression "Literary and Artistic Works" needs expansion and hence the Rome Convention of 1928 was revised in 1948 at Brussels. We were signatories to that 1948 Convention and we are now seeking the approval of the House for the revised Convention. Immediately after this the Government of India will ratify the revised Convention and after that the Copyright Act of 1914 will need amendment. For that we will again come to the House.

Shri A. C. Guha (Santipur): The note supplied to us by the Department is awfully meagre. We have not been told how many countries have ratified this Convention. how many are signatories to it. and whether the protection of literary and artistic rights conferred by this Convention will be applicable to all countries. At least as regards our neighbouring countries. to whom some of our literary and artistic works can go very easily, we ought to be given some idea as to how our rights will be protected. The Minister should take note of this and ought to provide full information before the House ratifies this Convention.

The Convention itself is welcome. At the same time it should not act in any way as a restriction on the spread of learning and knowledge. I can appreciate the idea of protecting these rights, but it should not be made a capital investment or a vested interest. Even quotations and collections from certain books are prohibited and to that extent it is a restriction on the spread of knowledge. For instance, an author here may not quote from an author in the U.S.A., England or Germany or may not bring out an anthology. Previously, the U.S.A. was not bound by any such Convention. I want to know the present position. We should have more information before we may agree to this resolution.

Shri K. D. Malaviya: I quite sympathise with my hon. friend. Although the notes supplied may not be very exhaustive they do indicate one thing, *viz.* that the rights of authors and artists are not restricted in the sense in which the hon. Member means it. The revised Convention not merely has not interfered, but as a matter of fact the policy is to give as much protection as possible to local nationals.

Shri A. C. Guha: For how many years the proprietary rights will continue and whether the inheritors will continue to enjoy those rights—these two points require clarification.

Shri K. D. Malaviya: I speak subject to correction, but the rights will be protected for fifty years.

Shri A. C. Guha: Fifty years during life-time, or after death?

Shri K. D. Malaviya: As far as I remember, after death.

The main object of the revised Convention was to include arts and works which till 1928 had not been included in it or were inadequately mentioned. As I said, after this revised Convention is ratified, the Copyright Act will have to be amended and for that we shall approach the House again.

11 A.M.

Shri A. C. Guha: Who are the signatories to this convention?

Shri K. D. Malaviya: There are about 29 countries who are signatories and many more who watched the proceedings as non-participating nations. I am not quite sure about neighbouring countries, but some of the countries are: Greece, Hungary, Ireland, Italy, Lebanon, Denmark, Canada, Belgium, Austria, Morocco, Switzerland and Yugoslavia.

Mr. Chairman: The question is:

"This House approves the Berne Convention for the protection of Literary and Artistic Works, as finally revised at Brussel on the 26th of June, 1948 and signed by the representatives of the Government of India and of the Governments of certain other countries, and is of the opinion that the said Convention should be ratified by the Government of India."

The motion was adopted.

COMMISSIONS OF INQUIRY BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> "That the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, as reported by the Select Committee, be taken into consideration."

I am happy to think that the report of the Select Committee is an almost unanimous one. Hon. Members would have seen by a perusal of the report that the Select Committee has scrutinised almost every single provision of the Bill with the utmost care and has made numerous changes which were unanimously accepted. The object of the Bill as I brought it forward was to meet an obvious inconvenience. Two or three years ago, a Committee was appointed to enquire into certain matters relating to the sugar industry and the Chairman who was a retired Judge of a High Court said that he had not received sufficient cooperation and he had been unable to examine witnesses or call people before him to give relevant information. Thereupon, after a very careful examination of this matter, it was thought desirable that instead of having *ad hoc* legislation in relating to every Inquiry Commission it might be more convenient to introduce some legislation which could be applicable to all Commissions of Inquiry and to authorise the Commissions to examine witnesses and take certain additional steps which invest them with certain powers of a civil court. With that object the Bill was introduced.

It was pointed out in the course of discussion on the motion for consideration before the Bill was sent to the Select Committee that there were enquiries and enquiries and there were committees and committees and it may not be convenient. nor would it be expedient, to vest every single commission and committee of enquiry with the powers which this Bill purports to confer upon those committees and therefore some distinction ought to be made. Now that particular point of view has been given effect to by the Select Committee and the House would now observe that the Bill makes it clear that the Act would only apply to those commissions which are specifically appointed under clause 3 of the Bill and the appropriate Government which would be either the Central Government or the State Government, will in notification appointing the committee say clearly that this was a commission appointed under clause 3 of this particular Bill and thereupon certain powers which are specified in clause 4 of the Bill would automatically vest in the committee.

In the Bill as it was originally framed these powers included the power to send for witnesses, to examine them on oath, to send for documents and records from public offices and also to compel people to give information. There was also the power of searching and seizing documents from any premises. A point was made out that while there might be no objection to the power to examine witnesses, the power to compel people to give information and the power to direct searches and seizures was a little more peremptory and, therefore. required further consideration and every committee should not have that power. Now the Select Committee has also given effect to this view and it is clearly provided that while under clause 4 of the Bill the power to summon witnesses and examine them would vest in every committee, the additional powers which are referred to in clause 5 of the Bill, namely, the power to compel people to give information and power to direct searches, would only be available if the appropriate Government, in the notification appointing the committee specifically says that the committee concerned would have also these powers and I am sure that the appropriate Government would see to it that the additional powers mentioned in clause 5 of the Bill would only be granted in appropriate and proper cases, particularly to those commissions, which are presided over by persons of high-status such as retired Judges of the High Court who may be trusted to use those powers in proper cases. Now that is provided for by clause 5 of the Bill.

Then there are certain minor matters. As the House is aware, the power to appoint commissions of enquiry are included in List I, that is the Union List, and List III which is the Concurrent List. In List III power is given both to the Central Government and to the State Governments to make enquiries or direct enquiries to be made by committees in relation to matters exclusively within the cognizance of a State, namely in List II and also to such matters included in List III, the Concurrent List. The result is that the Central Government is empowered to direct an enquiry into practically all kinds of matters anywhere throughout India, while the

[Dr. Katju]

State Government is limited to the exclusive List II and the Concurrent List III. Now the Bill, as framed, said that the State Governments could not direct an enquiry in a case in which the Central Government has also directed an enquiry and it would not do so for a period of two years. It was thought that this restriction was not proper or reasonable, because the State Government is really primarily reponsible for the conduct of affairs in its own jurisdiction. Now that has been removed and it is now quite clearly laid down that if a committee is already making an enquiry into particular State matter, that is appointed by the State Government, then the Central Government would not intervene by appointing another committee of enquiry, unless it is a matter which concerns several States, nor would the State Government appoint a committee of its own if it is a matter in which the Central Government has already appointed a committee. We do not want two rival committees or two parallel committees to function and enquire into one and the same matter at one and the same time. There is no objection if a State Government thinks that an enquiry made by a committee appointed by the Central Government has not quite been very full or comprehensive, or there are some loopholes left, to its appointing a committee of its own later on, after the Central Government Committee has concluded its labours. That has been made quite clear in the definitions in clause 2 and also in clause 3.

A minor point was made that we do not want these committees of enquiry to function and continue to function for an indefinite point of time. We have now made it quite clear that in the notification appointing the committee, as is generally done even now the Government of the State would mention the date by which it is expected that the committee would conclude its labours. Of course, under the rule making power, power would be taken by the appropriate Government to extend the time limit in suitable cases, if an application is made by the commission that they have not been able to conclude their labours within the time prescribed by them owing to some important reasons.

Then comes this question of compelling the disclosure of information. Objection was taken on the ground that it might be a matter of privilege and the witnesses might not be able to give information. Now the position stands thus. There may be a privilege and it may be open to the person concerned, in several cases, to choose not to commit, not to claim privilege. I have got a right to ask a question. It is the privilege of a witness in suitable cases either to answer that question or to claim privilege and that has been made quite clear, as hon. Members would see, in clause 5(2), namely that while information may be sought for, it would be open to the person concerned, if he chooses to do so, to claim the privilege under any law for the time being in force.

Then there was another minor point made. I do not know why very great fear was expressed that searches might be made by junior officers like inspectors or sub-inspectors. We have tried to allay all those apprehended fears by providing in sub-clause (3) of clause 5 that a search can only be made under the orders of the committee by a gazetted officer and he should conduct the search in so far as the provisions of section 102 and 103 of the Criminal Procedure Code are applicable. The House would recollect that these two sections prescribe that the searching officer shall have available to him the presence of two search witnesses and that he shall make immediate inventories. At the same time these sections confer upon him powers to break open certain locks; if the premises are in possession of women folk then he will take suitable action to see that they are not in any way molested. So we have made that prefectly clear.

Clause 11 is important. As I said, the object of the Bill is now being made quite distinct that it is not to apply to every commission or every committee of enquiry at large. It can only be made applicable to that commission which is appointed specifically under clause 3. But then power is taken under clause 11 that a committee may have been appointed originally, not under clause 3, but afterwards, while that particular committee is functioning, reasons are disclosed why it should be necessary to invest that particular committee with these powers prescribed for a commission appointed under clause 3; then power is given to the appropriate Government to invest that particular committee also with the powers of a commission appointed under clause 3, if it becomes so necessary. This is the gist of the matter.

I find that there are a fairly large number of notices of amendments. I find that there are about twentysix amendments. I must say I confess to my innocence about this matter. I thought we had discussed this matter in the Select Committee at very great length and considered every single point of view and tried to meet it. The House would see that the committee was a very strong Committee and practically it is a unanimous report. So I thought that the Bill would go through without really any further discussion. I cannot possibly take objection to any notices of amendments. All hon. Members have got a right to press their view-points. But I do suggest that the Bill as it has now emerged should be considered to be workable and should be considered, from the point of view of hon. Members opposite, to have been considerably improved and should therefore, go through without any further expenditure of time over it.

Mr. Chairman: Motion moved:

> "That the Bill to provide for the appointment of Commissions of inquiry and for vesting such Commissions with certain powers, as reported by the Select Committee, be taken into consideration."

Shri M. S. Gurupadaswamy (Mysore): The hon. the Home Minister just now said that it is a workable piece of legislation. With due reverence to what he has said I beg to submit that it is not so workable. I draw your particular attention to one or two significant matters which the Bill has touched upon. My first point is that the Bill seeks to include the subjects which come under the purview of the State List as matters that can be inquired into, and the Central Government is empowered to appoint commissions of inquiry to inquire into the subjects which fall under the purview of that State List, and also the Concurrent List. I shall not talk of the Concurrent List here and shall confine my remarks only to the question of appointment of commissions of inquiry in respect of subjects which come under the purview of the State List.

Sir, you are aware and the House is aware that there are already murmurings among the public that too much of power has been concentrated in the Centre and that our Constitution-markers have taken away most of the subjects from the States and transferred them to the Centre. In the case of Mysore State, for instance, nearly fifteen subjects have been taken over from the State and transferred to the Centre. So there is a great feeling among the Part B and part A States that too much of concentration of power in the Centre has adversely affected their interest and it is really a fact that the State Governments have been reduced to the position of district boards and municipalities.

But the present Bill seeks to encroach upon even the minimum subjects that have been handed over to the State Governments. It seeks to set up commissions of inquiry to inquire into matters relating to subjects which come under the State List. I submit that this is nothing but an infringement upon the minimum autonomy that is given to ,or the minimum independence that is being enjoyed by many of the States, and that the Central Government or the hon. Minister has not taken the opinion of the Governments concerned with regard to this matter. The draftsman in the Central Secretariat has just drafted the Bill and it has been submitted to Parliament without reference to anybody.

Clause (a) under the definitions reads: "the Central Government, in relation to a commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution." Here, the addition of List II is superfluous and unnecessary and is dangerous to the autonomy of the States. Suppose the States refuse to co-operate with the Centre in matters of inquiry, then what action the Government contemplates to take I want to know. I feel that in order to protect the autonomy of the States and with a view to give greater scope of freedom to the State Governments in their own matters, it is better not to add the State List under this. I will just cite an example to make my point clear. Land revenue is a State subject. Suppose a commission of inquiry is set up by the Central Government and the State Government does not want to hold an inquiry about that matter. Then it leads to a lot of friction between the Centre and the State, and the peace in the land so far as this matter is concerned will be upset. So, instead of facilitating the smooth working of administration it will rather encourage friction between the Centre and the States. It is not advisable to encourage such a tendency.

Further the Bill contemplates to set up a commission of inquiry by the executive authority. Of course, power should be given to the executive authority to set up commissions of inquiry but the subject matter which should be inquired into by the commission of inquiry should not be decided by the executive authority. I feel that this is

[Shri M. S. Gurupadaswamy]

a matter which should appropriately come under the purview of the legislature. Unless there is a resolution by the House of the people and the Council of States that there should be an inquiry on a particular matter, the Government should not proceed with the inquiry. Government's duty or concern should be confined to the appointment of a commission of inquiry and should not extend beyond that. So the subject matter to be inquired into is important, such things should be decided by the Houses of the legislature and should not be decided by the executive and that is the right of the sovereign Parliament. We have got every right to decide which issue should be inquired into and which issue should not be enquired into. If the executive authority arrogates to itself, all the power of appointing the commission as well as selecting the subjects for inquiry, then it is too dangerous a thing and the consequences will be dangerous.

Further there is no clarification in the Bill about the methods of inquiry, how the commission of inquiry after being appointed would inquire into matters, and whether they should inquire into those matters in the open.

Mr. Chairman: I do not want to interfere with the hon. Member's speech, but for general information of the Members of the House, I would draw their attention to rule 98 which reads as follows:

> "The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill."

I think that hon. Members would, as far as possible, comply with the provisions of this rule.

Shri M. S. Gurupadaswamy: I would like to draw your attention to clause 3:

> "The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the people or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly."

I want to omit the words "may, if it is of opinion that it is necessary so to". Where is the necessity for including that? It may be as well omitted.

I was referring to the method of inquiry. There is no reference here in the Bill that the inquiry is open to one and all. If the people are interested in a particular subject of inquiry, then they must be allowed to come and sit there and observe the proceedings of the commission of inquiry and it should not be conducted *in camera* and in secret. It should be thrown open to one and all, unless the interests of the State demand such a secret inquiry or inquiry *in camera*. So let it be specifically mentioned that the commission of inquiry will hold the inquiry openly and not in secret.

Shri N. Somana (Coorg): On a point of order, Sir. I submit that all these matters that are referred to by the hon. Member are matters of amendments. I think that these matters will come up when we take the Bill clause by clause. It would be a waste of time if we are to go on with all these amendments that have been tabled already.

Mr. Chairman: I had already brought to the notice of the Members of the House as to how the discussion on a motion like this is limited. I think the hon. Member has got certain amendments standing in his name and at that time he can speak in detail.

Shri M. S. Gurupadaswamy: I beg to submit that the hon. Member just now said it is a waste of time. I do not know how it could be so. It is such an important Bill.

Mr. Chairman: However the hon. Member may proceed, and make his points I think he will confine himself within the limitations of rule 98. So far as his amendments are concerned, he will have an opportunity at a later stage.

Shri M. S. Gurupadaswamy: I do not wish to take much of the time of the House. I only wish to say that the Bill should make a specific provision that the inquiries will be conducted in the open. Of course, there are amendments to this effect and these amendments may be included as part and parcel of the Bill before it is enacted.

The most important criticism about this Bill, as I said in the beginning, is that it seems to take away much of the powers of the State and it seems to abridge the autonomy of the State in matters which come under their purview. Moreover, the Government has not taken the consent or the opinion of the State Governments in this matter. Without taking their opinion how could we proceed with such an important Bill which will affect their future relationship with the Centre. So I beg to submit that these matters may be looked into by the hon. Home Minister and proper safeguards may be provided with regard to others which I mentioned. I also suggest that List II may be omitted wherever it may occur in the Bill.

Shri A. C. Guha (Santipur): The Bill as it has emerged from the Select Committee contains certain improvements from the original Bill. and yet I feel that are some lacunae here. I think that List III should not have been included to be a subject of inquiry by the State Government without the previous consent of the Central Government. List III concerns concurrent subjects and as regards these. I think the State Government should not have any authority to start an inquiry without the previous sanction of the Central Government. The previous speaker was pleading for provincial autonomy in these matters but when the Central Government has the overall responsibility, even as regards matters which fall within List II. I think the Central Government cannot shake off its responsibility for making enquiries under entries enumerated in List II. In the present circumstances, I think we should not stress too much on States' autonomy. It is better that the authority of the Central Government is strengthened and emphasised than the autonomy of the States. In this matter, we started with a very bad legacy. When the Constituent Assembly first met, we started with an extreme variety of provincial autonomy and with the theory of residuary powers vesting with the States. After the Partition, the Central Government retrieved some of its lost ground and now all residuary powers rest with the Centre. So, the logical conclusion is that the theory of provincial autonomy has been checked and the authority of the Central Government has been established and it has to be recognised.

During the consideration stage, before the Bill was sent to the Select Committee, a point was made and my previous speaker also hinted at that, that in the U.K. Act, it is only on the motion of the two Houses of Parliament that an inquiry can be instituted. But, there it is a tribunal of inquiry whereas here it is only a commission of inquiry. The words tribunal and commission have two different connotations and two different implications. Moreover that Act was passed in 1921. Since then, we have moved far towards the centralisation of power. Rightly or wrongly almost all the States in the world have been moving towards that. We should concede that, particularly when ours is a democratic State with a removable executive, the Government should have the authority to start an inquiry on any matter of public importance. During the last three or four years, we have heard of so many scandals. Some of them might have been real scandals; some might not have been really scandals. Any how, there is public agitation over many matters. Therefore, it is only just and proper that Government should institute inquiries and get at the correct state of affairs and if necessary proper steps should be taken.

But, my complaint is that Government have instituted many inquiries, but they have not implemented the recommendations of these inquiries or commissions. In this Bill also, this is a big lacuna that nothing has been said as regards the intentions of the Government on the recommendations of the commission of inquiry. At least, I would like the hon. Minister to make the position of the Government clear, as to how they intend to implement the recommendations. Our experience for the last few years has been, that many recommendations contained in so many inquiries have not been implemented and in many cases we have not heard of any steps being taken. The Economy Committee inquired into many things and made elaborate recommendations. Government have not taken, practically speaking, any steps. It is no use only having inquiries, unless Government take some steps according to their reports. Even if it is not possible to put it in the Bill, it should form part of the hon. Minister's statement as regards the policy of the Government as to how they will treat the recommendations of these commissions of inquiry.

I do not like that any officer of the commission should have the full authority of the commission in any matter. Previously, in the Bill as originally drafted, there was no limit as regards the rank of the officer. Now, at least the Select Committee has put a limit to it, that is, not below the rank of a gazetted officer. Still, I think any officer of that commission should not have the delegated authority of the commission itself. This is a practice followed in the case of some other previous Acts also, which I do not like the Government to encourage. I do not think Government can give us this assurance that their officers are like Caesar's wife, beyond all doubts and suspicion.

Shri Syamnandan Sahaya (Muzaffarpur Central): Do you mean to say that all officers are Caesar's wives?

Shri A. C. Guha: I say they cannot give this assurance. Delegating the full authority of the commission to certain officers is a policy which I do not like to be encouraged.

There is one provision as regards temporary absence of any member and the existence of a vacancy.

The provision is:

> "The Commission ....may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members."

I think in legal phraseology, the singular also stands for the plural. There may be only three members or five members even. When it is said. 'absence of any member', does it mean in the absence of only one, or even in the case of absence of more than one member. two or three members, the commission will go on? Then it is said, 'existence of a vacancy'. Here also, the singular stands for the plural. Government should make it clear. What would be the number of vacancies when the commission should be considered to be not in existence or not authorised to function. Even if the Chairman is absent, will the commission be authorised to function? Government should have the authority to nominate another Chairman or the commission will nominate its Chairman for a particular sitting. But, if the Chairman continues to be absent for some time, for some sittings continuously, then; in that case, there is no provision in this Bill for the Government nominating another Chairman. I think that should also be provided here.

With these few words, I commend this Bill and I hope that the hon. Minister of Home Affairs will consider the suggestions made by me.

Shri Bansal (Jhajjar-Rewari): I consider that this Bill, as has been returned to the House by the Select Committee, is a definite improvement over the Bill that was referred to them. Some of us on this side of the House find it difficult to cope with the changing grounds of the Opposition in regard to the various measures that come up for discussion before this House. I had thought while listening to the debate when the Bill was being referred to the Select Committee in the original form, that the Opposition did not want a very elaborate Bill and that they wanted a Bill to be on the model of the U.K. Act. But, today I was surprised when my hon. friend from the opposite side said that the Bill did not lay down the procedure as to how the Commission would act.

I thought he did not want, or at least the Opposition did not want that. Then, he again says in the same breath, that the Bill takes away the autonomy of the States. I do not know how to reconcile these two arguments.

I would not take up the time of the House in dealing with those points, but I would like to draw the attention of the House to the fact that the main purposes underlying this Bill are not very new. Most of these powers which are sought to be given to the commissions that will be appointed in future, are already there. and they have been given to the Tariff Commission under the Tariff Commission Act. The only power which is a new power under this Bill is that contained in clause 5 (3), but I am glad that some of the stings of that sub-clause (3) have been removed by the Select Committee and certain wholesome provisions have been made, *viz.*, that when searches will be made and books seized, the officers concerned would have to be within the four corners of the provisions of sections 102 and 103 of the Code of Criminal Procedure. I think this is quite wholesome, but I would like the hon. Minister kindly to enlighten me on this. The sub-clause says:

> "The Commission or any officer, not below the rank of a gazetted officer."

Here, I would like that "The Commission or any officer" should be qualified as "The Commission or any officer of the Commission". I would not like any gazetted officer to go and made searches. I would personally suggest that that officer should belong to the commission. If that is possible, I think it will further imporve this particular sub-clause of the Bill.

Then, about procedure to be followed by the Commission I personally do not think it is necessary to lay down any elaborate procedure under this Bill. The power as envisaged here is quite sufficient and the appropriate Government or the Central Government, while appointing the commission, will lay that down under the notification.

Shri Vallatharas (Pudukkottai): The anxiety of the Government to have the benefit of a regular enquiry is patent, but the satisfaction of the desire must be achieved by legitimate means in accordance with the established principles of equity, law and also procedure. This Bill—of course, it should be in existence, I am not disputing the necessity of the Bill—but, when once it is put into operation, several difficulties come up. I have seen that in matters of legislation, there must be a higher degree of conception and a responsible attempt to make a headway towards perfection of at least the material aspects that we are canvassing. In respect of the difficulties felt in the courts, the cost to the litigant, the waste of time of the court are also to be envisaged in the matter of these commissions of inquiry.

I solicit attention to clause 5 (2): Originally it was:

> "The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry."

Now, the Select Committee has said:

> "subject to any privilege which may be claimed by that person under any law for the time being in force."

The statement that "The Commission shall have power to require any person to furnish information on such points" is very vague. On what points? Points which are not covered by the examination of the witness in the box? Can the commission be expected to elicit and ask the person to furnish information on such points or matters? How can a person be required to furnish information? Suppose the person refuses to furnish information, what is the penal sanction for it? Can anybody be forced to give information? That cannot be done also, unless it be under some corner of some definite law.

I make reference to clause 4 (a):

> "summoning and enforcing the attendance of any person and examining him on oath".

It is to be presumed now that over and above all matters that are elicited on an examination on oath, any person can be made to furnish information on points or matters which in the opinion of the commission will be useful. So, it contemplates that the examination on oath will not make the enquiry complete. Is the enquiry of such a higher grade or more complicated nature than enquiries under the Indian Penal Code or any other law for the time being. I do not think a commission of inquiry can assume such a high stage, this being an expeditionary measure, an enabling measure for the Government to get at certain points. So, when a man is examined on oath, there is absolutely no necessity for the commission to require any person to furnish information at its own discretion and the person cannot be forced to furnish information. If he is put on oath, there are certain things which should guide the deposition itself. But under this clause 5 (2) the discretion is arbitrary, and it will not be exercised properly also. So, this clause 5 (2) must be deleted. If it is there, there will certainly be abuse of power, or if the commission does not choose to operate under it, then it is superfluous. So, when there is a provision under clause 4 (a), I do not think clause 5 (2) is necessary, and even if it is considered to be necessary, the limits within which the discretion can be used, the process by which the discretion can be enforced and the penal sanction by which the party has to be forced to depose—all these things are absent there. If the fundamental, substantive portion of the law is silent on these matters, rules cannot be a substitute for that purpose.

The second aspect is clause 6:

> "No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

provided that the statement—

> (a) is made in reply to a question which he is required by the Commission to answer, or
>
> (b) is relevant to the subject matter of the inquiry."

Here, a man may commit himself to an admission and go and deliberately make a denial. These two are very important matters. Evidence is given on oath and there is no secrecy about it. And so, when the evidence is useful for prosecuting for false evidence, why should not that known evidence be useful for admissions and denials by that particular witness? No law, so far as I can see,

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envisages such a prohibition against using them in any manner. If it is not an ordinary enquiry, if it is an enquiry enforced and it is privileged, then that is a different matter altogether. But, here the party who subscribes himself to an elucidation of a certain situation, facts and materials, commits himself to a certain thing, either by admission or by denial. Such admissions and denials must be either for or against him. It must be provided for in that matter also that his right will be preserved. So if that is incorporated, then the witness can dare to say anything and everything in the course of the enquiry, and see that he is enabled to deny or make representation at a later stage without apprehension that those statements would be used against him subsequently. This is very fundamental. Or else, the security of justice cannot at all be achieved.

So far as clause 2 is concerned, hon. Members have made some observations, but I stoutly oppose the encroachment upon State Subjects in List II. So many small subjects are shared with the States. You may refer to List II—State List—No. 10, " burials and burial grounds; cremations and cremation grounds". What is the action for the Central Government to take? Are they going to consider who are fit to be cremated, or if a place is to be declared as cremation ground? And in what manner can that be controlled? And what is the sort of enquiry one can expect out of it? Again No. 7: "Pilgrimages other than pilgrimages to places outside India ". Suppose I go on a pilgrimage to Rameshwaram or Kashi or Gaya, whatever it is, should the Central Government make an enquiry about these matters, make it an offence or non-offence, and can the Central Government stoop to such a low level as to go into these minor details which are not even worth the consideration of an ordinary village officer or municipality?

So. the attempt on the part of the Central Government should be restricted. The dignity of the Central Government requires that it should confine itself to great matters of policy such as the safety of the State, and not to smaller matters which are absolutely the concern of the States to control by local legislation.

Further, imitation of over rules and regulations on the model of laws elsewhere is always a dangerous thing. Imitation itself is a dangerous thing. We have got sufficient originality to conceive and embody certain things which suit the conveniences or the welfare of the people of this country. In the Bill before us, the influence of the U.K. Act on the same subject is quite patent. But the imitation has been done in such a manner that some of the provisions which are not at all suited to our country are also sought to be incorporated.

Above all, I lay great stress on the matter of evidence—how is it to be got, how the statement by a witness is to be viewed by the others, whether it can be used against him or not. All these are things which are highly important and I hope the hon. the Minister will be pleased to concentrate some attention on these points.

The commission, under clouse 5 (2) may serve a notice on a person to furnish information on a particular point. Supposing the information is given, how is the commission to verify whether that information given is correct or not. Supposing a person says 'A and B went to Delhi', how is that information to be verified? If the witness is put on oath and then examined, then where is the necessity for an extraneous ascertaining of the information from outside? Even under the Evidence Act and the Criminal Procedure Code, the statements or information that are elicited should be decided by regular procedure, and if so, where is the scope for veryfying this information obtained by the Commission? Supposing a person gives a piece of information and the commission receives it, what is it going to do with that information? How is it going to use that? Therefore, I submit, that what has been provided for in this Bill is certainly inconsistent with the conception of the Evidence Law and other such laws governing the procedure of taking evidence in our country. So, I feel that clause 5 (2) and also clause 6 are superfluous, and are highly injurious to the healthy operation of this Bill.

Shri Venkataraman (Tanjore): I was trying to convince the hon. Minister of certain things, which I now want to place before the House.

This is one of the rare occasions when the Select Committee has given an almost unanimous report, and the improvements made in the original Bill are very commendable. Firstly, the sting contained in clause 5 (3) of the original Bill, namely that any person empowered by the commission may enter into any premises etc. is being taken away, and the officer empowered to enter any premises has been fixed as a person not below the rank of a gazetted officer.

Then, the procedure, which my hon. friend on the other side said has not been properly defined, is left to the commission itself. It must be the experience of most of us that when these commissions are appointed, they are allowed to fix their own procedure suitable to the particular subject on which the inquiry is conducted. Clause 8 lays down the procedure to be followed by the commission, and says that the commission shall have powers to regulate its own procedure. I submit that there is nothing wrong in it. The question whether an inquiry is to be held *in camera* or whether it should be done in public again depends on the subject matter of the inquiry and therefore it should be left to the commissionn to decide in each case whether the whole or any part of the inquiry should be *in camera* or whether it should hold the whole sittings in public. If we pass a law saying that all the inquiries and all parts of the inquiries should be in public, then we would be probably shutting out some very valuable information and evidence which would be available in an inquiry *in camera*. Therefore, it should be left to the commission to decide on the merits of each case as to whether a particular inquiry should be *in camera* or partly in camera and partly in public.

12 Noon

My hon. friend Mr. Vallatharas said that the commission has no powers to enforce the provision under clause 5 (2). May I draw his attention to clause 5 (4) which states that "The commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure 1898 (Act V of 1898) and any proceeding before the commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860)". And section 480 of the Criminal Procedure Code details sections 179 and 180 of the Indian Penal Code where refusal to answer questions, or the refusal to sign statements etc. are all punishable as substantive offences, so that if the information is asked for by the commission and it is not furnished by a particular person, then he will be liable to punishment under section 179 or section 180 of the Penal Code, which are made applicable to him by virtue of sections 480 and 482 of the Criminal Procedure Code which have been made part of the law under sub-clause (4) of clause 5. I do not think that there is any great difficulty in this, and I may also tell my hon. friend that if this is a matter for any judicial decision, if it is an arguable point, then we may take it from court to court, until we decide whether the refusal to answer a particular question or the refusal to furnish a particular information asked for by the commission is covered by the definition of the substantive offences under sections 179 and 180 of the Indian Penal Code.

One other point which has been raised by my hon. friend on the other side is whether the Central Government can have the power to order inquiries in respect of matters which are falling within List II—State subjects. Here, I have a very definite opinion that the Central Government ought to have that power. There is no use merely talking theoretically that we are trying to reduce the autonomy of the States etc. when in the administration of a huge country like ours, we have to bring about at least a sort of rough uniformity in the administration. Take for instance a subject like prohibition. Supposing the Government wants to have the opinion of all the people in this country with regard to prohibition, it is no use saying that the matter is within the competence of the State Legislature as it is governed by List II, and therefore the Central Government ought not to intervene. Take again the instance which my hon. friend Mr. Gurupadaswamy gave, with regard to land revenue. One of the matters agitating the country today is the question of the land revenue—the assessment all over the country, the nature of the tenures under which people hold lands, the nature of the relationship between the landlord and the cultivator—these are matters on which if we are to bring about a certain uniformity, the authority which can order such an inquiry is only the Central Government which can order an inquiry in respect of the conditions existing in all the States, and only the Central Government has got the competence to do so. If we exclude List II from the provisions of this Bill, it will only come to this, namely, that the Central Government will not be competent to order any inquiry in respect of many matters of public importance, or of great social consequences, or of great importance to the welfare of the people of the country, as for instance the matters relating to land reforms, prohibition etc. The State Government will not be able to do, as it will not have the territorial jurisdiction beyond the boundaries of that particular State. Therefore, it is very necessary that the Central Government should have the power to order commissions and committees of inquiry in respect of matters which concern not only one State, but more than one State. I do not think there is much point in the criticism that by

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including List II within the framework of this legislation, we have taken away the autonomy of the States. My hon. friend said "What would happen if the State Governments refuse to co-operate?" In a federal Constitution, one has to hope that the State Governments will co-operate with the Centre, and also between themselves. If they do not, the provisions of the Constitution are ample, and I do not want to say what those provisions are, lest I do offend some State Government. Therefore, if the State Government does not co-operate with the Central Government, the Central Government, will certainly declare an emergency and then take over the administration of that State and carry it on. Therefore, there is no use trying to put up an argument that the State Government will not in some contingency co-operate with the Centre.

We shall always hope that the Governments, responsible as they are, will try to cooperate with each other and even before the Central Government takes up any such measures it will consult the State Governments and try to bring about a sort of cooperation between the State Governments concerned, or with only a particular State Government. Therefore, I commend the Bill as it stands. I am glad that the point I made during the earlier stage before reference to the Select Committee, that all the powers need not be given to the commission, has been accepted by the Select Committee and that provision has been made that all or any of the powers may be given in the notification issued appointing the Committees.

Mr. Chairman: The hon. Minister, Dr. Katju.

Shri Raghabachari (Penukonda): Sir, may I refer to a point about which I have differed from the Select Committee's report? Is it permissible?

Mr. Chairman: Were you a Member of the Select Committee?

Shri Raghabachari: Yes.

Mr. Chairman: I found no hon. Member was anxious to speak, and therefore I called upon the hon. Minister. I do not want to curtail the liberty of any one, but I found that only one hon. Member was anxious to speak and then the hon. Minister was called upon to speak. Anyway, if the hon. Member wishes to say something, he may only refer to that point.

Shri Raghabachari: I only wish to refer to the point on which I differed from the Select Committee and which is the subject of my minute of dissent. I had carefully listened and also read through the debate and the expression of opinion of Members of this House at the first stage of this Bill. Considerable apprehension was expressed as regards the possessing of this power or the investing of this power with the commission particularly that covered by clause 5(3). That relates to the commission having power by itself or through an agent authorised to enter into anybody's house and then seize and take away books of account, copies and so on. I expect ordinarily not only the Government when it invests such power but also the commission when it functions not to use this power to harass people. But yet a fear was expressed in the House that it was liable to be so misused.

The more important question is, is it necessary for every commission to be invested with such a power, this special power of entering into any house and seizure of things? That would be relevant and necessary only in cases where probably there have been evasion of taxation contemplated or important matters of that kind. Therefore, no doubt the Select Committee has accepted that all powers need not be vested with every commission. It is surprising that no Member of this House thought that this is really a matter of serious consideration for them. As I have already submitted, I do not expect any commission to resort to harassment, but this is really a power which appears unnecessary.

Dr. Katju: I should like to draw attention just to one or two points raised. I was surprised to hear that neither the Central Government nor the State Government should have power to appoint a commission of inquiry unless directed to do so by a resolution of Parliament or of the State Legislature. I suggest that it is one of the recognised duties and responsibilities of every administration to see to it that proper inquiries are made on all important points. It would be lamentable if they were to wait for such guidance to be given to them by Parliament or the State Legislatures. The Legislature may not be in session for six months or eight months, and there may be a matter of grave urgency and then the administration must interfere and if the administration does not institute inquiry, there may be complaints.

This is really one of the administrative duties. The provision that on a resolution of the House of the People or the State Legislature the Government must appoint—that is a sort of reflection that you have been remiss in doing your duty and you are, therefore, being directed to do so by Parliament. That is a different matter. I, therefore, think that this aspect should be properly considered.

Secondly, on this question of interference with autonomy, I would ask the House to consider that the commission of inquiry is a purely advisory body. It has got no powers and cannot have any powers, either executive or legislative. The function of the commission of inquiry is to find facts and to make recommendations. If it is a matter exclusively in the State List, then it will be open to the State concerned to take appropriate action. But there may be numerous cases in which fact-finding investigation may be necessary in the interest of the State itself. I quite agree with what was said by my hon. friend over here that no Central Government will act unless it be in the closest collaboration with the State Government concerned. We must attribute some sense, some common sense, some reasonableness to all Governments, and not just say that autonomy is being interfered with because the matter is in List II and therefore, should remain sacrosanct and should not be touched. I have seen numerous cases in the newspapers, complaints made that this matter has not been inquired into and that matter has not been inquired into; and when you get a legal provision for suitable inquiries in matters of urgent public importance, then you show this anxiety for State autonomy and various other difficulties are pointed out. I think that is rather an inconsistent position to take up.

Then so far as procedure and other matters are concerned, they will come before you, Sir, in the course of the various amendments if they are moved, and the House will have an opportunity of considering them.

Shri C. R. Iyyunni (Trichur): May I put a question, Sir, for information? As per clause 3 of the Bill, the appropriate Government is bound, as per a resolution passed in the House of the People or in the Legislative Assembly, as the case may be, to notify that a commission is appointed. Now it is a bounden duty cast upon the Government concerned as per the resolution passed in the House of the People or the Legislative Assembly, as the case may be. Now as per clause 7, the Government............

Dr. Katju: Is the hon. Member putting a question to me or entering into a discussion?

Mr. Chairman: If the hon. Member wants to put a question, I will allow it. Otherwise, no discussion is possible now.

Shri C. R. Iyyunni: I want to point out an inconsistency in............

Mr. Chairman: When we come to the discussion clause by clause, it will be proper to consider that.

The question is:

> "That the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Chairman: We will now proceed with the Bill clause by clause. I find there are a number of amendments. Some of them have been given notice of only today and as such they are clearly out of order because they were not given in time. There are certain other amendments which were received in the office at 4-30 P.M. yesterday and could not be circulated.

The Rules of Procedure say:

> "Every notice required by the rules shall be given in writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the Parliamentary Notice Office which shall be open for this purpose between the hours of 10-45 A.M. and 3 P.M. on every day except Sunday or a public holiday.
>
> Notices left when the office is closed shall be treated as given on the next open day."

Now, the notice required is like this:

> 'In view of the changed timing of the sittings of the House from Thursday, the 22nd May, 1952, the Parliamentary Notice Office shall be open for receiving notices required by the rules from members between the hours of 8-15 A. M. to 12-30 P.M. on every day except Sunday or a public holiday."

I, therefore, find that these amendments which were received in the office at 4-30 P.M. are also beyond time and therefore cannot be moved. The Parliamentary Bulletin further says:

> "Under the Rules of Procedure notice of an amendment to a Bill or a Resolution or a Motion or a notice of a cut motion to a De-

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mand for Grant is ordinarily required to be given one day before the day on which the Bill or Resolution or Motion or the Demand for Grant is to be considered. In order to ensure timely circulation of all parliamentary papers to hon. Members by the evening on every day, all notices left in the Notice Office after 12-30 P.M. will be treated as given on the next opening day."

I, therefore, think that these amendments are out of order. We shall consider the other amendments as and when they are moved.

Clause 2.—(*Definitions*)

Shri M. S. Gurupadaswamy: Sir I have been authorised by Dr. Krishnaswamy to move his amendment.

Mr. Chairman: The hon. Member, Dr. Krishnaswamy had been here and now he seems to have gone for attending some meeting of a Select Committee. He had made a request that his amendment should be allowed to be moved by Mr. Gurupadaswamy. But I am sorry I find this cannot be done under the rules. I am therefore really helpless. If I could I would certainly have allowed it to be moved. But there are other Members who have given notice of the same amendment and any one of them could move it.

Shri M. S. Gurupadaswamy: All of them have told me that I can move it.

Shri Jhulan Sinha (Saran North): Sir, as I too have given notice of it I will move it. I beg to move:

In page 1, line 13, omit "or List II".

Shri M. S. Gurupadaswamy: On a point of order, Sir. Am I not entitled to move the amendments of others if they authorise me orally?

Mr. Chairman: As I understand from precedents, during the last so many years, it has never been the practice of this House that amendments standing in the name of one Member could be moved by another Member. Here, however, his purpose is served by the amendment being moved by another Member who also has given notice of it.

Shri Jhulan Sinha: I have heard the hon. Home Minister on this point and I have also heard another hon. Member defending the incorporation of these words in this clause. But I am sorry I am not convinced. The Central Government has either to allow autonomy to the States or else it should have powers to control those subjects also which are in the sphere of the States. If we take the real position it would be found that the inclusion of these words seems to be unnecessary. If the clause is amended the Central Government will have power to appoint commissions of inquiry to deal with subjects in List I or in List III. Under clause 3 (1) (b) the Central Government has got powers also to appoint commissions on subjects which concern more than one State. Therefore, I do not think there is any sense in having these words earlier too in clause 2. My grounds for proposing for the deletion of these words from clause 2 are these: Firstly, it unduly and unnecessarily interferes with the autonomy of the States. Secondly, it is altogether unnecessary in view of the provisions of clause 3 (1) (b). I would therefore request the hon. Home Minister to consider this point in this background. I do not rely exclusively on the fact that it takes away from the autonomy of the States—the autonomy of the States will be there and only provision will very seriously interfere with it—but it is also unnecessary besides being to a certain extent an encroachment on the autonomy of the States. As I have already said, if you want to appoint a commission to deal with a subject in List I you can do so under clause 2, and if you want to appoint it to deal with a subject concerning more than one State you can do so under clause 3 (1) (b). In this view of things I find the incorporation of the words "or List II" is unnecessary and redundant and unduly takes away from the autonomy of the States. It also casts a reflection upon their capacity and competence.

Mr. Chairman: Amendment moved:

In page 1, line 13, omit "or list II".

Dr. Katju: I oppose this amendment.

Shri M. S. Gurupadaswamy: I wish to draw the attention of the hon. Minister to article 250 (1) of the Constitution. There it says:

> "Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List."

So it is only when there is a Proclamation of Emergency that a piece of legislation may be enacted here in Parliament which touches upon matters in the State List. Not otherwise. So, this Parliament is not empowered under the Constitution to legislate on a matter which affects the State List. This is an important point. It is a constitutional issue.

Shri Jhulan Sinha: I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri A. C. Guha: The purpose of my amendment is just the opposite of the purpose sought to be achieved by the previous one. For subjects in List III, the State Government should not be allowed to start an enquiry without the previous sanction of the Central Government.

Mr. Chairman: Is he moving it?

Shri A. C. Guha: Only if the hon. Minister is willing.

Dr. Katju: I am not prepared to accept it.

Shri A. C. Guha: But I want to tell him that this is an important point which he may consider. I do not move my amendment.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(*Appointment of Commis-*

Shri A. C. Guha: I beg to move:

In page 2, line 3, after "functioning" add "and within a period of two years from the date the Commission appointed by the Central Government ceases to function."

There was a provision like this in the original Bill, but the Select Committee has deleted this clause. I suggest that such a provision ought to be there. Suppose the Central Government institutes an inquiry and the inquiry commission submits its report today—on the 29th July 1952. The next day the State Government may start another inquiry on the same subject and that inquiry committee may make recommendations which are just the reverse of the recommendations of the Central Government inquiry committee. We should also envisage a situation where the Government in the States and the Government in the Centre may not belong to the same political party or subscribe to the same political ideology. There may also be cases of political scandals. And occasion may arise when the conduct of a provincial Minister may be enquired into and if that Minister has some pull and influence in the State, he may next day institute a State Government inquiry commission composed of men convenient to him, so that the Central Government may be put to ridicule and contempt before the public. It is a very serious matter and the original provision should be maintained.

Dr. Katju: I greatly regret that I am unable to accept it. My hon. friend should realise that this part of the Bill was discussed at great length in the Select Committee and we thought it best to drop it. I will not go into the reasons. If it is a List II matter, then the report of the commission is only an advisory recommendation and no action can be taken without the concurrence or the initiative of the State Governments and if they think fit they may start a commission of their own. It is impossible for me to accept my hon. friend's amendment.

Shri A. C. Guha: Take the case I have cited. Supposing the conduct of a particular Minister is the subject matter of an inquiry by the Central Government, after the inquiry is over, the State Minister may use his pull and influence and start another inquiry in the State Government and take convenient persons and get them to give recommendations just the opposite of the Central Government inquiry commission's recommendations. This is an aspect I want the hon. Minister to consider. There is nothing sacrosanct about the Select Committee's recommendations. Otherwise, why should we consider its report? I suggest the hon. Minister has not fully realised the implications and I give him a warning that an occasion will arise when he will be put into difficulty.

Mr. Chairman: All that has been answered by him.

Shri A. C. Guha: If he is unable to accept my amendment, I would like it at least to be put to the House and be negatived.

Mr. Chairman: The question is:

In page 2, line 3, after "functioning" add "and within a period of two years from the date the Commission appointed by the Central Government ceases to function".

The motion was negatived.

Shri Jhulan Sinha: I beg to move:

In page 2, after line 9, insert:

"Provided that it shall be open to a State Government, in cases covered by sub-clause (a) of

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section (1) to refer for report to the Commission with the previous sanction of the Central Government any matter relevant to the issues under enquiry."

According to me, this is another clause which impinges on the autonomy and freedom of the State Governments. They are prohibited from appointing a commission when the Central Government has appointed one. Supposing a State Government feels that in the terms of reference of an inquiry commission there is something lacking and there is a lacuna, I suggest that it may with the previous sanction of the Central Government refer that matter to the commission already appointed for inquiry and report. This will not in any way restrict the freedom of the Central Government but will provide for a contingency where it is found out that some matter as has been omitted by the Central Government when it instituted an inquiry commission and is strictly relevant to the points of inquiry may be referred to the commission.

Dr. Katju: I have great sympathy with the object my hon. friend has in view, but I suggest that the committee having been appointed by the Central Government, it would look rather odd if another Government, namely, the State Government, is able to refer any points to another committee for examination and report. I suggest that it is very likely that whenever the State Governments want any further point for clarification or investigation, the Central Government would not stand in the way of that point being referred to the original commission itself. The proper procedure would be that instead of going through the process of taking the previous sanction of the Central Government and the Central Government giving it, the State Government should say to the Central Government, "Here is a matter or point which you have overlooked and which requires investigation. Will you please direct your commission of inquiry to look into it?"

So, instead of the State Government being the forwarding agents, the better course would be that the appointing authority, namely the Central Government should itself take that action on the recommendation of the State Government. My hon. friend himself recognises that the Central Government should have the approving power. Therefore, it is really a matter of executive action. The amendment as it stands would really serve no useful purpose.

Shri Jhulan Sinha: In view of the explanation of the hon. Minister I wish to withdraw my amendment.

Mr. Chairman: Has the hon. Member leave of the House to withdraw his amendment?

Some Hon. Members: No.

Mr. Chairman: Then I shall put the amendment to vote.

The question is:

In page 2, after line 9, insert:

"Provided that it shall be open to a State Government, in cases covered by sub-clause (a) of section (1) to refer for report to the Commission with the previous sanction of the Central Government any matter relevant to the issues under enquiry."

The motion was negatived.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): I beg to move:

(i) In page 1, omit lines 35 and 36; and

(ii) In page 2, omit lines 1 to 3.

My amendment seeks to omit proviso (a) to clause 3. In this proviso the Central Government takes away from the State Government the right to set up a commission or enquiry committee during the time when a commission set up by the Central Government upon the same subject is functioning. I am not very keen to press my amendment, but I wish to know one thing. According to item No. 45 of the Concurrent List the Central Government has got the right to set up committees of enquiry even about a State subject. But I would like to know whether on the strength of item 45, the Central Government has got the constitutional sanction to prevent a State from setting up a commission upon a subject which is exclusively a State subject.

Dr. Katju: There should not be two parallel committees functioning; that is the idea of this provision.

Dr. M. M. Das: On the strength of item No. 45 of the Concurrent List, the Central Government has got the authority to set up committees of enquiry. Has it got the authority to deprive a State of this right to set up enquiry committees?

Dr. Katju: I think so.

Dr. M. M. Das: Then, I do not wish to pursue my amendment.

Shri K. C. Sodhia (Sagar): I beg to move:

In page 2, line 10, for "one" substitute "three".

These commissions or committees are likely to enquire into matters of great public importance and therefore instead of having one member, the findings of the commission or committee would carry greater or more weight, if there were three members on it, instead of one. Even on ordinary commissions, usually more than one member is appointed. I hope the hon. Minister will appreciate the necessity of my amendment and accept it.

Dr. Katju: This is a matter which must be left to the discretion of the Central Government or the State Government. In the past there have been commissions presided over by one High Court Judge. I refer to the commission of Mr. Justice Ganganath. Recently another commission was appointed with one learned Judge of the High Court of Bombay. You cannot lay down hard and fast rules that every commission must have at least three persons. It all depends upon the circumstances of each case. The strength of the commission—whether it would consist of one, two or three—would depend upon those circumstances.

Mr. Chairman: The question is:

"In page 2, line 10, for 'one' substitute 'three'."

The motion was negatived.

Dr. M. M. Das: I have got another amendment.

Dr. Katju: It is more a matter of procedure which should be left to the commission itself.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(*Powers of Commission*)

Mr. Chairman: There are two amendments, one by Mr. Chacko and the other by Shri Ram Shanker Lal.

Dr. Katju: In regard to Mr. Chacko's amendment, under the General Clauses Act the word "oath" would mean general affirmation as well. It need not, therefore, be particularised in every Bill.

Shri P. T. Chacko (Meenachil): My amendment includes "oath, affirmation or otherwise".

Dr. Katju: There is no otherwise.

Shri P. T. Chacko: There are cases where witnesses have to be examined without oath or affirmation.

Mr. Chairman: I take it Mr. Chacko does not wish to move his amendment.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.— (*Additional Powers of Commission*)

Shri P. T. Chacko: I beg to move:

In page 3, for lines 1 to 5, substitute:

> "(4) When any such offence as is described in sections 175, 178, 179, 180 or 228 of the Indian Penal Code (Act XLV of 1860) is committed in the view or presence of the Commission, the Commission after recording the facts constituting the offence and statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898) may forward the case to a magistrate having jurisdiction to try the same.
>
> The magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused as if the case is one forwarded to him under section 482 of the Code of Criminal Procedure, 1898 (Act V of 1898)."

Under clause 4 the commission is vested with powers which are vested in other courts under sections 480 and 482 of the Code of Criminal Procedure. Under section 480 of the Code of Criminal Procedure a court is vested with the power to convict offenders under sections 175, 178, 179, 180 or 228 of the Indian Penal Code. They are offences, I may say, where a person refuses to sign the statement or refuses to take the oath or refuses to answer a question or when one insults the court. Under section 480 of the Code of Criminal Procedure, power is vested in a court to try such offences and convict the offender. But under section 482 of the Code of Criminal Procedure a court may transfer such a case to a magistrate who is having jurisdiction to try such an offence.

The purpose of my amendment is to restrict the power of the commission. My aim is that the commission should not be vested with the power to convict the offender then and there

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under section 480 of the Code of Criminal Procedure, mainly because I fear that many of the members of the commission may not be acquainted with the procedure or with the law of contempt and things of that sort. Under section 482 of the Code of Criminal Procedure, those cases which are committed in the view or the presence of the Commission and which come under sections—175, 178, 179, 180 or 228 of the Indian Penal Code may be transferred to a magistrate who is having jurisdiction to try the case. Then he will try the case according to law and if it is a case for punishment he can punish the offender. That is what is contemplated under section 482 of the Code of Criminal Procedure. The only purpose of my amendment is to restrict the power vested in the commission to that under section 482 of the Criminal Procedure Code and not to vest powers under section 480 of the Criminal Procedure Code in the Commission. I hope the hon. Home Minister will accept my amendment.

Dr. Katju: I am again in sympathy with the object of the amendment and I am prepared to accept it subject to certain verbal changes, because there might be some difficulty in the constitution of these offences unless there was a clear declaration in the Bill that the commission shall be deemed to be a civil court. Therefore, if the hon. Member is prepared to agree that his amendment should be inserted after the first line, namely, "The Commission shall be deemed to be a civil court"—and then his amendment will come, namely "and when any such offence...is committed, etc."—then I am prepared to accept it, because I do not want that the commission should have power to sentence anybody to imprisonment or put him to fine.

Mr. Chairman: Does the hon. Member accept the suggestion?

Shri P. T. Chacko: I am prepared to accept it like that, but there is no difficulty even otherwise.

Mr. Chairman: Then I shall put the amendment as modified.

Dr. Katju: May I just add one word, because this clause consists of two parts. One is that the commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure. That is what we are dealing with. Then the second part, from the 3rd line, says that any proceeding before the commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, that is giving false evidence etc. which can only be tried before a magistrate. That can remain. I therefore suggest that the amendment may be that "The Commission shall be deemed to be a civil court", then the amendment suggested by Mr. Chacko may be incorporated, and then the other three lines that "any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code" may remain. They should not be cut out. That is how the amendment should stand.

Shri P. T. Chacko: It will read like this, Sir:

> "The Commission shall be deemed to be a civil court and when any such offence as is described in sections 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission after recording the facts constituting the offence and statement of the accused as provided for in the Code of Criminal Procedure, 1898, may forward the case to a magistrate having jurisdiction to try the same. The magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused as if the case is one forwarded to him under section 482 of the Code of Criminal Procedure, 1898."

Dr. Katju: You can call it (4) (a) and if you keep the last three lines that "Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code" and call it (4) (b), it will be quite clear.

Shri Venkataraman: Sir, may I suggest that this may stand over till the afternoon? Then it can be properly redrafted.

Dr. Katju: Yes, Sir.

Mr. Chairman: Clause 5 will stand over. We will turn to other clauses.

Clauses 6 to 12 were added to the Bill.

Mr. Chairman: Then we shall take up clause 5, and the amendment moved by Mr. Chacko and accepted by the hon. Home Minister.

The question is:

In page 3, for lines 1 to 5, substitute—

"(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180, or section 228 of the Indian Penal Code (Act XLV of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482, of the Code of Criminal Procedure, 1898.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860)."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5. as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

1 P.M.

Dr. Katju: I beg to move:

"That the Bill, as amended, be passed."

Shri V. P. Nayar (Chirayinkil): I wish to speak something about this.

Mr. Chairman: I think it will be better if we take it up in the afternoon.

The House then adjourned till Half Past Three of the Clock.

The House re-assembled at Half Past Three of the Clock.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri V. P. Nayar: I object to the passing of this Bill. In doing so, let it not be misunderstood by the House that I object to it for the sake of objection. Certainly not......

I am sorry, Sir, there is nobody on the Treasury Benches.

Mr. Chairman: The hon. Member may proceed somebody will be coming soon.

Shri V. P. Nayar: Will I be in order, Sir, in addressing the House when there is no one on the Treasury Benches?

Mr. Chairman: By the time the hon. Member proceeds, in a minute or two, they will be coming.

Shri V. P. Nayar: At this third reading stage, I want to speak on some very important points. It is very very......

Mr. Chairman: The hon. Home Minister is in the Select Committee.

Word has been sent to him. The hon. Member may continue. The Minister will be just coming.

Shri V. P. Nayar: Sir, it should not appear that I am speaking to the House without a Government.

Shri K. K. Basu (Diamond Harbour): Let there be a temporary recess.

Shri V. P. Nayar: In the meanwhile, may I make a submission, Sir?

It was announced when the House adjourned this noon, that the House will meet again at 3-30 P.M. I feel that it is a sort of discourtesy shown to the House by the Treasury Benches that none of the Ministers has come here in time. This fact may kindly be taken serious notice of and necessary directions issued......

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) *came in.*

Shri V. P. Nayar: I feel that it is a sort of insult to the House that nobody from the Treasury Bench which consists of several Members, has cared to attend in time.

I object to this Bill. As I said before, I do not object to this Bill for the sake of objection. I am conscious that this Bill was considered in detail by the Select Committee and this morning also we have had a very detailed discussion on this matter. All the same, I feel that it is my duty to bring to the notice of the House certain very important points which unfortunately were not raised in the discussion before the Select Committee or before this House this morning.

As stated in the Statement of Objects and Reasons, we see that this Bill is primarily intended to obviate certain difficulties for setting up commissions to inquire into certain matters of public importance. In the Statement of Objects and Reasons, you will find the following sentence:

"It is felt that there should be a general law authorising Government to appoint an inquiring autho-

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rity on any matter of public importance, *whenever considered necessary*, or when a demand to that effect is made by the legislature and that such a law should enable the inquiring authority to exercise...... etc."

My objection is to the use of the words "whenever considered necessary". These words mean very much. They are not so simple as they appear to be. So far, there is no indication as to the possible result of inquiries made by such commissions as may be set up under this law.

The Bill can be considered only as an elaborate piece of legislative make-believe. Nothing more than that. It is nowhere made clear in this Bill what action Government would take on the decisions of these inquiry commissions. The hon. Minister said this morning that the inquiry commission is expected to decide only on facts. I see that. But what will happen to such findings of the inquiry commission? Will the Government act upon them or will the Government throw such findings into the waste paper basket? That is what I would like to know. There is no mention, not even a mere suggestion, in the whole Bill as to the course of action, mandatory or directive, which would result from the findings of the commissions. This is highly objectionable. What is then the meaning of setting up inquiry commissions? You go through an elaborate process of formal inquiry; you observe certain rigid rules promulgated under this law. In the end all this will fizzle out. There is no guarantee that the decisions of this inquiry commission will be acted upon by the Government.

We have been seeing how such laws have been working. Admittedly, there has been some legislation: *ad hoc*, my hon. friend would call it. The question is, how such legislation has been used in the inquiry into matters of public importance. It is only necessary for you kindly to look at the history of this country for the last few months. For the last two or three months, what have we seen in this country? It began from the State from which I come —Travancore-Cochin. In that remote mountain range Pasumalai, three persons were shot dead sometime back. Tens of thousands of our people raised their voices of protest in rightful indignation. What did that Government do? That Government did not pay any attention to public opinion. There were laws there also, but that Government did not do anything. Subsequently, you find......

Mr. Chairman: Let me remind the hon. Member that this is absolutely irrelevant so far as this Bill is concerned.

Shri V. P. Nayar: I shall not speak one word irrelevant to this, Sir. I am conscious that I am speaking at the stage when we are having the third reading. I crave your indulgence to hear me patiently Sir. What I was striving to stress was the futility of such laws merely kept on the statute book without being implemented.

After Pasumalai, we have had incidents at Gorakhpur and Jodhpur and recently in the great city of Calcutta. The people of the country said that the police indulged in acts of ruthless violence, shot down defenceless people tear gassed non-violent demonstrators and lathi-charged innocent women and children.....

Mr. Chairman: I am very sorry to interrupt the hon. Member. So far as this Bill is concerned, it does not deal with any matters that have already happened. It is only a Bill which envisages the appointment of certain inquiry commissions, their reports, etc. It has got nothing to do with past events in which such inquiry was instituted.

Shri V. P. Nayar: I should be still more sorry that I may have to stress this point again Sir. I am pointing out to the House how useless it is to have such legislation when there is a condition that the whole purpose of this legislation is to institute inquiries upon matters of importance when Government consider it necessary. It is about that that I am saying......

Mr. Chairman: I am sorry to interrupt the hon. Member again. The hon. Member must realise that this is the third reading stage. He can only oppose or support the Bill. Now, he cannot say that this thing is not there or that thing is not there. The hon. Member was there and he ought to have sent in amendments and seen them carried through. He cannot now go into all those details of the Bill.

Shri V. P. Nayar: May I request you, Sir, to hear me for a minute? What I was striving to point out to you was this: that there is no purpose in having a law like this solely depending upon a decision of Government to institute an enquiry. Either it is for the Government to decide whether a matter would justify a public enquiry, or in the alternative there must be a resolution of the legislature. I am not touching the second. I am only speaking about the first. That is why I said that we have seen many incidents. I do not go back to Pasumalai, but I go to a very near place comparatively, that is, Gorakhpur. At Gorakhpur and at Calcutta...

Mr. Chairman: It is not a question of distance of the place. The question is about relevancy.

Shri V. P. Nayar: In all these places you found that the whole people, all sections of public opinion, raised their voice in indignation, and it was not acted upon by Government. Government did not consider such situations necessary for......

Mr. Chairman: I do not want to interrupt the hon. Member, but I have warned him several times that here those events are not in dispute, and that the only question he is discussing is whether in a certain contingency it is the Government alone who can institute an enquiry or the House should pass a resolution. He wants to make a point that these two alternatives are not sufficient to meet the situation in the country. Is it his point that another body should be authorised to have such a committee appointed? But to refer to certain events in which an enquiry committee has not been instituted is, to my mind, absolutely irrelevant.

Shri V. P. Nayar: As I find that the Chair is almost insistent, I will not refer to such incidents. I ask your pardon, Sir, for saying this. But, Sir, we find Government has not acted properly in deciding whether a matter is of public importance or not. It is always found that Government has justified the acts of its executive officers. It is precisely for that that this Bill is introduced. You do not find in this Bill a single word for an enquiry to be conducted by a non-official. It is always a Government official who will be appointed to this. We know that in several cases after a firing incident, the district magistrate in whose area and under whose very nose a firing incident takes place, makes a sort of enquiry and reports to Government. It will be a mere white washing of......

Shri Venkataraman: On a point of order, Sir. How is this relevant to the Bill relating to the commissions of inquiry. The hon. Member has repeatedly referred to Gorakhpur and other incidents over and over again, and I want the Chair to give a ruling.

Mr. Chairman: There is no point of order. He has himself admitted that he is not going to refer to these incidents. He will not refer to such incidents. I have already said that it is irrelevant.

Shri Venkataraman: But he again does.

Shri V. P. Nayar: I also know the law of evidence, Sir, and I know what is relevancy. I had been and still am confining myself to relevant matters.

Shri Venkataraman: There is no proof of it here.

Mr. Chairman: Order, order. Let him proceed.

Shri V. P. Nayar: In such matters where on the one side you find executive officers of Government, and on the other there are the people; each side using violence, resulting in injuries to both the parties, what is the decision which Government takes in such a situation? Does Government think that the matter is of public importance, and there should be an enquiry? No. Never has it thought so. That is why I am pointing out that the only possibility is of misusing this law. It is on this ground that I object to this sort of legislation.

Mr. Chairman: I am very sorry to interfere so often, but there is absolutely nothing in this Bill which makes it obligatory on the part of Government to appoint officials only. Also there is nothing in it which has any connection with shooting or trial of armed strength on both sides, etc. I would request the hon. Member to come to the actual Bill and give his reasons why he is opposed to it or supports it.

Shri V. P. Nayar: If there was one word said about the possibility of such an impartial enquiry, in cases in which Government use their armed strength, I would not have said anything. I listened, with the utmost interest, to what the hon. Home Minister said. He did not even touch the aspect upon which I am objecting to the passing of this Bill. It is not the form or the content of the Bill in general, which I object to, but I object to this Bill being passed, because this legislation is primarily intended to be used upon the decision of Governments which resort very often to the use of armed force. Imagine such a case as I pointed out just now. There is the general law of evidence. Is it open for the people who have been tortured to go to the courts? But just imagine another case where the executive officers of the State are not involved, say an affray between two sections of the people. Then the State Police drag both parties together to the court, and there they stand trial. You know, Sir, in such matters the courts of justice weigh the entire evidence. The right of private defence is also recognised there. What

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is the right of private defence to a person who is the victim of the use of force by the police?

Mr. Chairman: I am very sorry the hon. Member is straying away out of the scope of relevancy. He is talking of private defence and other things which do not arise in this case. They have nothing to do with this Bill. I would request him to advance some other arguments.

Shri V. P. Nayar: I confess, Sir, it is not possible for me to put forth an argument and established a position with one single sentence. I have to give illustrations. I am not competent enough to drive home a point with one single sentence. I can only establish a point, making reference to some incident if necessary. I beg of you that I may be allowed to go into the......

Mr. Chairman: The hon. Member has already made the point that the Government always appoints these commissions of inquiry with a set purpose. That is all that the hon. Member has to say. He need not illustrate the point with reference to any incident.

Shri V. P. Nayar: What I said was that in such cases the general law of the land is of no help to the unfortunate victim. The general law of the land does not expect a man who himself is the aggressor to modulate his defence step by step in all cases. He may have exceeded the right of private defence, but even then there is protection. What I submit is that as the law stands at present, there is ample protection to a person, but not so in cases whenever his aggressor is a police man. Even if you have this law passed, there is going to be no material change in the position of the people because it is always the case that the matter will be sent up for enquiry by a commission only when Government decide or when the House passes a resolution.

Does it mean that if neither Government takes a decision nor this House passes a resolution about a matter of public importance, such matter is not one of public importance? We all know that the best judges about "public importance" will be the public around the place where an incident takes place and not a set of people to whom we know there is only second hand information. "Republic" without its "pub" is only a relic. I am not going to say anything more on this.

We have seen much in the past four years in this country. (*Interruptions*) I am coming to the point. There are such a large number of blackmarketeers. Every hon. Member knows that. And we have several laws in force to bring them to book. But what is the state of blackmarketing today? It has passed from the epidemic stage and is now in the endemic stage. I am reminded of a verse which I heard from the hon. Member, Shri Harindranath Chattopadhyaya the other day......

Mr. Chairman: The hon. Member has come from firing to blackmarketing. He should give arguments in support or against this Bill. He is referring to all matters which are outside the scope of the Bill. Blackmarketing has nothing to do with this Bill.

Shri V. P. Nayar: As I said before, Sir, I am drawing an illustration to show how this Bill will only be a piece of legislative "make-believe." It will not serve the real purpose which it is supposed to serve.

Mr. Chairman: That point the hon. Member has already made.

Shri V. P. Nayar: I wanted only to convince the House by reference to a certain illustration that having a law on the statute book or in the shelf of some library will not help the people. The important point is that it will defeat the very purpose of legislation. Take for instance the law relating to usury. You find that in spite of it, the moneylender is sucking the lifeblood of the debtors, through the system of private compound interests and so on. The question is not really one of lack of proper legislation, but the lack of the proper machinery by which we can enforce these laws and put them into effect. So long as we do not have such a machinery, there is no purpose in this legislation.

I am very sorry to say that this point has not been considered by the Select Committee or thereafter by this House, although we have had a very lengthy discussion on the Bill. We do not bring forward legislation for the sake of legislation. We have to legislate with the sole object of putting the laws into effect. But recent history shows that such a thing does not obtain in practice. It shows that the laws are more observed by their breach than by their observance. What then is the purpose of legislation like this?

Mr. Chairman: The hon. Member has repeated this argument several times, and I would request him not to reiterate this again...

Shri V. P. Nayar: I am an humble lawyer, sometimes apt to indulge in slight repetitions in a desire to take others along the correct path. I request I may be pardoned if there has been any repetition. Now, Sir, my submission is that this House should take a very serious view about the impossibility of putting this law into effect. From several instances in recent history, we know that with the machinery which is now in the possession of Government, it will not be possible to put this law into effect. Even after six months or one year you will still find that in spite of the fact that this legislation is there, the same condition will still be prevailing. In spite of the fact that the hon. Home Minister has considered it fit to have a general legislation instead of existing *ad hoc* legislation, you will find that things will only be in the same condition as they are now.

One of the two causes of such inquiries as has been stated in the Statement of Objects and Reasons, will be a decision taken by the Government regarding the public importance of a case. But my submission is that Government will never take a decision consistent with the opinion of the public. It has never done so, all this time. That is why I object to the Bill.

Dr. Katju: The hon. Member who has just spoken will forgive me if I say that I really have nothing to say. I have spoken twice or thrice on this Bill which speaks for itself. I therefore, beg that the Bill, as amended, be passed.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

PREVENTION OF CORRUPTION (SECOND AMENDMENT) BILL

Mr. Chairman: The House will now proceed with the further consideration of the motion for consideration of the Bill further to amend the Prevention of Corruption Act, 1947. Two hon. Members have already spoken on this. If any other Member is desirous of speaking, he may have his chance now.

Shri P. T. Chacko (Meenachil): According to me, this Bill practically defeats the purpose of this legislation itself. I wish to draw the particular attention of the hon. Home Minister to one or two specific things. While moving for the consideration of the Criminal Law Amendment Bill, the hon. Minister classified the bribe givers into two categories. He said there are of course victims from whom money is extorted by the officers and there are also seducers who actually seduce the officers and impose a bribe on them. He was very sympathetic when he spoke last as regards those victims from whom bribes are extorted by the officers. He also said that the Tek Chand Committee also sympathises with those class of bribe givers who are actually the victims from whom extortion of money is made. This Bill makes not only no difference between the two classes, but it penalises both classes.

I may be permitted to explain a little further. Clause 3 of the Bill reads:

> ". . . the following sub-sections shall be inserted, namely:
>
> '(2) Where in any trial of an offence punishable under section 165A of the Indian Penal Code Act (XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the Indian Penal Code or, as the case may be, without consideration or for a consideration which he knows to be inadequate'."

Therefore, if it is proved in any trial of a case under section 165A of the Indian Penal Code, that a person gave or attempted to give any gratification or valuable thing without consideration to an officer, it is to be presumed by the court that the intention was present to bribe the officer.

This question of making a distinction between those bribe givers who are really the victims of those who take the bribe, and those who are seducers was actually considered even by the authors of the Indian Penal Code. This is what they say in their note on the draft Indian Penal Code:

> "In all states of society, the receiving of a bribe is a bad action and may properly be made punishable. But whether the giving of a bribe ought or ought not to be punished is a question which does not admit of a short and general answer. There are countries in which the giver of a bribe ought to be more severely punished than the receiver. The giver is generally the tempter, the receiver is the tempted. The giver is generally rich, powerful, well-educated,—the receiver needy and ignorant.

[Shri P. T. Chacko]

The giver is under no apprehension of suffering any injury if he refuses to give. It is not by fear but by ambition that he is generally induced to part with his money. Such a person is a proper subject of punishment. But there are countries where the case is widely different—where men give bribes to magistrates from exactly the same feeling which leads them to give purses to robbers, or to pay ransom to pirates—where men give bribes, because no man can without a bribe obtain common justice. In such countries we think that the giving of bribes is not a proper subject of punishment. It would be absurd in such a state of society to reproach the giver of a bribe with corrupting the virtue of public servants as it would be to say that the traveller who delivers his money when a pistol is held to his breast corrupts the virtue of the highway man."

4 P.M.

My point is merely to show that this question was actually considered by the authors of the penal code. They made a distinction between the two classes. Where the bribe giver is actually a victim of extortion, they made it clear that they never wanted to punish the victim. In other cases where the bribe giver is actually a seducer, they have provided for punishment under the Penal Code. I am referring to sections 116 and 109 where abetment of offences also is made punishable; under these sections, whether the offence is committed or not, the abetment of offence is punishable under sections 161 and 165 of the Penal Code, the giving of illegal gratification or any valuable thing without any consideration or without a proper consideration, is punishable. Under sections 116, and 109 read with sections 161 and 165, the authors of the code provided punishment for the seducers. The distinction they wanted to make is clearly made in the Penal Code in an indirect way because an abetment under section 116 or 109 is punishable only when the intention is present. An abetment can be only in three ways: either by instigation or by aid or by conspiracy. Supposing, I offer Rs. 100 to a public servant, actually I never wanted any reward for that. I actually paid this Rs. 100 simply because of the oppression of the public servant. It is a case where the money, Rs. 100, is actually extorted from me, and here I will not be punishable under the Penal Code as it is, because the intention is not present. It cannot be said that I was instigating the officer to accept a bribe or to obtain a bribe from me. Thus the victim cannot be punished. Only in cases where the intention can be proved or, in other words, only in cases where the giver of a bribe instigates or aids or only where there is a conspiracy he can be punished. The gist of a conspiracy or instigation or aid, I need not again say, is the intention of the person concerned. So according to the Indian Penal Code, the seducer—as named by our hon. Minister—and the victim are differentiated and under sections 116 and 109 of the Penal Code only the seducer can be punished because only in such cases the intention is present and that intention, as in the case of any other criminal prosecution, has to be proved beyond the shadow of a doubt by the prosecution itself.

Now under the Criminal Law (Amendment) Act which we passed a few days back, the abetment of bribery itself is made a substantive offence. Of course, there is not much difference, because under the existing law, the Penal Code, an abetter is punishable under section 116 or under section 109 read with section 161 or 165. The same thing is there in the new section 165A. Now, if we pass this clause also, my submission is that the distinction that was nicely made in the Penal Code will vanish. There will not be hereafter any difference between the seducer and the victim. Even if an officer extorts money from me, even if I never wanted any reward for what I paid, even if I never had any intention of paying a bribe, I can be punished if clause 3 of this Bill becomes law, because it is herein stated that the intention may be presumed. Whenever a gratification is given to an officer it may be presumed that it was given as a reward, or as a motive, which has to be proved in a prosecution for an offence under section 165 now. The fact that a valuable thing was paid without consideration or for a consideration which was known to be inadequate which ought to be proved by the prosecution, may also be presumed under this clause. That means the intention need not be proved and so the distinction vanishes as soon as this becomes law. Hereafter bribe giving is punishable not only when it is an abetment of offences under secion 161 or 165 of the Penal Code by instigation or aid or conspiracy, but even otherwise. It is almost an amendment of the law of abetment itself, because the prosecution need only prove in this case that I have passed money, I have given something: that alone is necessary. The essential thing that ought to be proved by the prosecution, my intention according to the Penal Code, that I was instigating or I was corrupting the virtue of a public servant, need not hereafter be proved. Therefore. the difference between these two classes of bribe givers will vanish by passing this Bill. My submission is—if my interpretation is correct—I think it is correct—if this distinction will go away and if every victim of an offence under section 161 or 165 can be punished under section 165A, the purpose of the legislation itself will be defeated, because to my own knowledge, whenever any action is taken against an officer for accepting a bribe or for obtaining a bribe or for attempting to obtain a bribe, the evidence always comes from the person who actually offered the bribe or who was coerced to offer the bribe. In other cases it is not possible to get any other direct evidence. We may get some circumstantial evidence alone, and in most cases when prosecution is launched, we find that the case is finally thrown out for want of evidence unless the bribe givers evidence is accepted. Under section 165A it has already been made a substantive offence. But even now as the law stands, my submission is that by the fact that a particular person has offered a gratification or a valuable thing to a person, he does not become, by virtue of that alone, an offender. Now if this is passed, if the presumption regarding motive is to be made in such cases, he can be punished and the burden is upon him to prove that he is innocent. So my submission is by taking away that distinction between the seducer and the victim, we are closing the source from which we used to get evidence. Hereafter no person will confess that he has offered a bribe or given a bribe because if he has given a bribe, he can be punished even where he was only a victim. He has to prove that the intention was not present. And it is very difficult in most cases. So my submission is, if this Bill is passed, this will only help those corrupt public servants and nobody else. This will not improve the position even to a small extent because this section will only protect those corrupt officers who take bribe because he who has given the bribe, the victim, will never give it out. Because if he gives it out, the entire burden comes upon him. Therefore, my submission is that by passing this clause 3, the entire purpose of legislation will be defeated. So I suggest that this aspect of the question may be considered by the Home Minister. This was considered by the authors of the Indian Penal Code and they made it impossible to punish a victim. Even now the Home Minister is very much in sympathy with those victims and the Tek Chand Committee also—as evidenced from their report—were in great sympathy with those poor victims from whom bribes are actually extorted. So it is your duty that they should be protected. Only persons who deliberately offer bribes, only in cases where the intention is present, only in cases of instigation or conspiracy should, I submit, the bribe givers be punished and that can be done under the new section 165A.

So my submission is that this aspect of clause 3 must be considered. I would request the hon. Home Minister to consider this: because there is a chance of defeating the purpose of the legislation itself. This clause may be deleted.

Shri A. K. Basu (North Bengal): Clause 3 of the Bill creates a presumption of guilt against the accused and it throws on the accused the burden of rebutting that presumption. According to the principles of British jurisprudence, when a statute creates a presumption of guilt against the accused and there is the burden of rebutting the presumption on him, the onus on the accused is not as onerous, the measure of the burden is not as heavy, as that which lies on the prosecution for proving the guilt of the accused person; the prosecution has to prove the guilt of an accused person beyond all reasonable doubt. But when that onus is placed on the accused he has only to satisfy the court of the probability of that which he is called upon to establish.

These are the principles which cannot be forgotten when you are in this case copying the principles or, in fact, the actual words of the Prevention of Corruption Act of 1916, the English Act. That Act *inter alia* says:

> "When in any proceedings against any person for an offence under the Prevention of corruption Act of 1906. . . .",

—the Prevention of Corruption Act of 1906 creates offences similar to those under sections 165 and 160 of the Indian Penal Code—

> ". . .it is proved that any consideration has been given to a person in the employ of a Government Department by a person holding a contract from the Government Department, the consideration shall be deemed to have been given corruptly as such inducement or reward as is mentioned in the Act unless the contrary is proved."

You will note the similarity of language, in fact the sameness of language. It creates the same kind of presumption under the same kind of circumstances and it throws the burden

[Shri A. K. Basu]

on the accused by the words "until the contrary is proved". Therefore, you will see that section 2 of the English Act of Prevention of Corruption of 1916 is almost in identical terms with clause 3 of the Bill, and also, of course, with section 4 of the parent Act, Act II of 1947. In a case under section 2, vs. Carr-Briant—All-England Law Reports, 1943, Vol. III, page 156—the Judge directed the jury—and that was held to be a misdirection—that accused has to discharge the burden of proof to the contrary, that the accused has to prove that the consideration was not given with any corrupt motive. The Judge further went on to say that he has not only to prove this but he has to prove this beyond all reasonable doubt. He asked the jury, "Are you satisfied that it has been proved beyond all reasonable doubt? If you are not satisfied, find the accused guilty." This was considered by the court of appeal to be a misdirection. The court of appeal held that burden on the accused is not as heavy as that which lies on the prosecution to prove the guilt of an accused person beyond reasonable doubt. The onus for rebutting the presumption is discharged when the accused has satisfied the jury with regard to the probability of that which he is called upon to establish.

This case follows the very well-known case decided by the House of Lords, Chancellor Lord Sankey presiding, reported in Law Journal, 104, King's Bench, page 433, of Woolmington *vs.* Director of public Prosecution. In this case Woolmington was tried on a charge of murder. Prosecution proved the killing of the wife of Woolmington by him of gun shot. Woolmington took the defence of accident and he gave evidence. On that the Judge charged the jury—and that was held to be a misdirection by the House of Lords—that, "If you are satisfied beyond reasonable doubt that Woolmington has killed his wife then on his plea of accident he will have to satisfy you that it was accident, and that beyond all reasonable doubt." Now this was held by the House of Lords to be a misdirection and the classic words of Lord Sankey, Lord Chancellor, I would ask for your indulgence to read out to you. The trial Judge told the jury, "If the killing has been proved beyond reasonable doubt the accused must satisfy the jury that it was an accident." Lord Chancellor Lord Sankey said:

> "Just as there is evidence on behalf of the prosecution so there may be evidence on behalf of the prisoner which may cause a doubt as to his guilt. In either case he is entitled to the benefit of the doubt, but while the prosecution must prove the guilt of the prisoner; there is no such burden laid on the prisoner to prove his innocence and it is sufficient for him to raise a doubt as to his guilt. He is not bound to satisfy the jury of his innocence. No matter what the charge or where the trial, the principle that prosecution must prove the guilt of the prisoner is part of the common law of England and no attempt to whittle it down can be entertained."

This is the settled law of England and this has been followed, as I have said earlier, in Carr-Briant's case. There is a conflict of decisions in Indian courts as to whether the English law on this subject is good in this country. There has been conflict between two Judges of the same Court—of the Calcutta High Court—and between seven Judges of the Full Bench of Allahabad, four on one side and three on the other. Like that there has been conflict all over. I shall place some of these decisions before you in short for the purpose of persuading the hon. Home Minister that when he is enacting a provision in our statute book following, and copying in fact, the provisions of an English Act, the procedure of British jurisprudence should also be incorporated in that section.

Mr. Chairman: I have heard the hon. Member at great length in regard to the principles that he wants to propound. He is probably anxious to support his amendment which appears on the agenda paper. At this stage, we are considering only the motion for consideration. This is not the proper time for supporting his amendment. He will have another occasion when he can put forward those arguments. At the present moment, if he has anything to say about the principles of the Bill, only that will be relevant. Let him therefore restrict himself to the principles underlying the Bill.

Shri A. K. Basu: I do not propose to move my amendment. I will abandon it. It is for that reason that at this stage I am trying to place before the Home Minister some of the circumstances which he might consider when formulating the Bill.

Mr. Chairman: If he does not intend moving his amendment, I cannot see how his speech will be relevant. He has propounded the doctrine of the benefit of doubt and explained that the benefit of the doubt must be given to the accused at all stages and when there is even a legal presumption against him, the onus of proof must still be with the prosecution. We are at this stage concerned with the principles of the Bill. We cannot go into the question of defence and content of onus, and as he is not moving his amendment I cannot see the relevancy of his speech.

Shri A. K. Basu: You know the reason for my not intending to move my amendment. Let me not enlarge on that. At this stage, I thought it would be relevant to point out that the Bill is not properly framed and that certain modifications should be effected in it.

Mr. Chairman: I do not want to cut down his speech but he will get another opportunity to explain these points more appropriately. In view of his statement that he does not intend to move his amendment, he may not get that opportunity. So, let him avail of it now, but he should be brief.

Shri A. K. Basu: Very well, Sir. In a case in Calcutta. . . .

Dr. Katju: On a point of order, Sir. May I mention that we are considering an amending Bill. The parent Act stands as it is. Under section 4 of the parent Act, it is a definite rule that if the bribe is of much greater value, then the presumption shall be made that it was being offered as an illegal gratification. Unless the contrary is proved that he did not accept it as an illegal gratification. that shall be the presumption. That section so far as the bribe taker is concerned is not before the House at all. What this amending Bill seeks to do is to extend that particular privilege to the bribe giver also. My learned friend's arguments apply so far as the British jurisprudence or principle of law is concerned both to the bribe taker and the bribe giver. It is really a matter for separate consideration whether we should not amend the parent Act also in accordance with his views.

Mr. Chairman: That is exactly what I was considering. He wants to expatiate on the words "Unless the contrary is proved". But since he has practically finished, I would ask him to conclude in two or three minutes.

Shri A. K. Basu: I will not go into details. I would only say that there is a conflict of decisions between different Judges of the same court and between different Judges of different courts. When you are copying the British enactment of Prevention of Corruption Act, 1916, you should incorporate in your amendment the principles of British jurisprudence also. Not to do that would mean that people would be convicted in a large number of cases on suspicion and that would be a flagrant violation of the principles of natural justice. I am sure the hon. the Home Minister who is an eminent jurist would not be a party to such a thing. There is no doubt much corruption among public servants these days, but to enact a procedure which is wrong on principle might do more mischief than good. Many of the public servants are honest. They would be worrying from day to day about the harassment because of suspicion and likely prosecution. It is only the dishonest public servants who would not worry. It would not be worth the while of the honest public servant to serve the Government and be under suspicion all the time and run the risk of prosecution all the time. But it would be certainly worth the risk of dishonest public servants to do so. The result would be that in course of time the Government would be left with only dishonest public servants to carry on. That is my fear.

I put an unstarred question to the hon. the Home Minister and his answer to it is very important in this connection. During the calendar years 1947—52 the cases against gazetted officers sent up for trial numbered 118. Number of cases pending in trial courts was 21. Number of cases which resulted in conviction was 37. Number of acquittals was 52. Number of cases in which prosecution was withdrawn was six. Number of cases in which accused absconded was two. Thus, out of 118 prosecutions of public servants, only about 37 convictions took place. I do submit that prosecutions against public servants must be launched with much more care than that. How could you prosecute 118 people without justification. The hon. Minister should see to it that these prosecutions are not launched without due enquiry, not merely on the opinion of the Inspector-General of Police or of the law officers of the Special Police Establishment, but the opinion of Government's lawyers should be obtained in every case before such prosecutions are launched. There are many public servants who, as I have said, are loyal and deserve these safeguards in the hands of their employer, the Home Minister.

Shri Venkataraman (Tanjore): This is a Bill which is consequential in its nature. After we passed the Criminal Law amendment creating the offence of bribe giving as one of the offences under the Penal Code with a specific section 165A, it has become necessary to bring the budren of proof in regard to convictions in respect of those offences on a par with that of offences of bribe taking. In the parent Act, namely, the Prevention of Corruption Act, 1947, provision has been

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made for conviction of persons who take bribes and there the ordinary rule of law that a person should be proved to be guilty is modified to a small extent to throw the onus or burden on the other side where circumstances tend to show that there is a chance of corrupt practices having prevailed on that occasion.

It is not as if that a person is merely charged and brought before the court and immediately he is asked to give due proof that he is not guilty of corruption. On the contrary circumstantial evidence is let in and then certain positive proofs are brought forward on the strength of which only the presumption is shifted from the prosecution to the accused. Even in civil cases we know occasions where the burden of proof is shifted from one party to the other. If my hon. friends will read a little more carefully they will find that it is not as if that a person on mere charge is called upon to prove that he is not guilty. On the contrary the evidence that has got to be let in and to be proved is that any gratification or valuable thing has been given or offered. Therefore the first thing that a prosecution has got to establish before the burden shifts to the accused is to show that some gratification was offered and that gratification or that valuable thing may or may not be of very great value, but nevertheless if it was established that some article of value or something of value has been offered to the person concerned, then the burden shifts to him to show that he is not guilty of the offence. If we do not pass this Bill as law, the result would be we would be making a distinction between the bribe giver and the bribe taker, so far as the burden of proof is concerned. In the case of the bribe taker the presumption would apply to him and he would be called upon to defend that he is not guilty of taking bribes, while in the case of the bribe giver the ordinary law that the accused must be proved to be guilty beyond reasonable doubt would prevail. I do not know whether that would be what we all seek for, namely equality before law.

My hon. friend Mr. Chacko referred to the ancient history of Indian Penal Code and said that in those days they made a distinction between the bribe giver and the bribe taker. Possibly the framers of the Penal Code had some idea of the sort of persons whom they were engaging to control and govern the country which was not theirs. They knew probably that the officers whom they were employing would necessarily extract money, because people who were serving a foreign administration could not be expected to be so kind and sympathetic to the people of the country. That is why I think the law as it was then framed showed a concession to those who tended to offer bribes.

Shri P. T. Chacko: The same thing continues even now.

Shri Venkataraman: I beg to differ. I pride myself that my country has improved wonderfully and very well. I say categorically that today the officers of our Government do not extract any money from our people and if there is any corruption at all, it is because people who want to get the benefits go and tempt the officers and corrupt their morals. I am in entire sympathy with the amendment to section 165A and I support it wholeheartedly because there is no longer any need or necessity for making a distinction between the bribe giver and the bribe taker in the modern context.

All of us complain that bribery and corruption are rampant. But when it comes to a matter of punishing the culprits, we change our ground. We start shouting: "Hang the blackmarketeer, hang the bribe giver and the bribe taker." But immediately Government takes some extra authority that in a case of this kind where a *prima facie* case is established, the burden will be shifted to the other side, then we begin saying that this violates the fundamental principles. This is in accord with and in tune with the conditions prevalent and ought to be passed by this House.

There is one point about which I am in doubt. My hon. friend Mr. Basu said that in this case, the benefit of doubt will not be available to the accused. That startled me. I do not know of any case in India decided in which they have interpreted this particular clause, either in the 1947 parent Act or in any other analogous legislation—wherein the burden has been shifted to the accused—that the benefit of doubt will not be applied to him. The benefit of doubt is a privilege which, unless the statute takes away from the accused, will always be available to the accused person. The court will always be entitled to say that notwithstanding the presumption cast on the accused if the court is not satisfied on the evidence placed before it that the burden of onus has not been sufficiently established beyond reasonable doubt then the benefit of doubt will certainly go to the accused. I was, therefore, taken by surprise at Mr. Basu's argument. I should have liked to go into the decisions in this matter.........

Shri A. K. Basu: I was aware of the decisions, but you, Sir, said that I should be brief. I can give my hon. friend the decision straightway—Emperor *vs.* Prabhu, Allahabad Full Bench, Chief Justice Iqbal Ahmed presiding.

Mr. Chairman: I do not want to interrupt the hon. Member. But from memory I can quote 41 Allahabad 402 where the contrary principle has been accepted.

Shri A. K. Basu: That is why I said there has been conflict of decisions.

Mr. Chairman: Every High Court has accepted the principle that the onus never changes. It always rests on the prosecution. If the accused has to prove to the contrary, the accused has to prove that the original proposition is doubtful and an alternative theory is possible and will be entitled to the benefit of doubt.

Shri A. K. Basu: That undoubtedly is the English practice, but it has not been followed in this country.

Mr. Chairman: It is a principle recognised by all the Hight Courts—at any rate I can speak of Allahabad and Punjab High Courts. But we need not enter into a discussion of it, because it is not germane to the subject.

Shri Venkataraman: I was only trying to show this paramount principle, namely the benefit of doubt is available to the accused person and is not taken away and cannot be taken away unless the statute itself does it. No statute anywhere has stated, so far as I know that the principle of benefit of doubt is taken away and that the courts no longer have any authority to exercise that right of acquitting the accused person on that principle. The language as it stands in this clause that unless the contrary is proved the accused will be presumed to be guilty does not in my opinion take away the right of the courts to declare an accused person acquitted purely on the ground that the accused has the benefit of doubt and the guilt has not been established beyond doubt. Therefore, I submit that this Bill is only a corollary to the other Bill which we have passed and has got to be supported.

Shri U. M. Trivedi (Chittor): We have heard the hon. Member learned in law discoursing on this subject very well. But speaking as a layman I find this difficulty, and most of us who have at one time or other to deal with bribe takers have this great difficulty, that this section 165A will not serve the purpose for which it is meant.

Mr. Chairman: The hon. Member will remember that we have already passed the Bills enacting section 165A as an offence and the House is committed to the principle in respect of section 165A.

Shri U. M. Trivedi: I am talking of amendment of section 4 in clause 3 of the Bill. I am only talking of the principle of this, and only on this ground that instead of making a law and making a provision to the effect that at least for some time to come he will be afforded some protection we are making this provision that the bribe giver will also be penalised. Everybody hates a bribe giver as much as a bribe taker. There is no doubt about it. But the present position of law is this that somehow or other every man who has some business to do, who has some dealings with Government officials, is forced into giving bribes. He gives bribes and takes advantage of it, but he hates the idea of giving bribes. (*Dr. Katju*: Question.) He will welcome it if there is a provision to protect him rather than that his neck also should be put into it. If you gave him some protection and allowed him saying "although you may give a bribe, we will pardon you, or not prosecute you, or at least we will hold the prosecution or keep it in abeyance for two years", you will find ten thousand cases coming every year against Government servants. I do not know how my learned friend Mr. Venkataraman went on suggesting that all Government officers were very honest. On the other hand we see day after day that corruption is growing. It is growing in such a manner that where you did not find it previously corruption has started setting in.

We are embodying this clause in the amendment of section 4 in the manner provided here in clause 3. And we are saying that anybody who is a bribe giver will also have this presumption against him. This sort of threatening the bribe giver and trying to shut up his mouth is putting a premium on the bribe taker. He is the only principal witness who will be available to us in the sense that he would be an eye witness of the transaction which he himself has conducted.

Dr. Katju: May I know, Sir whether this is in order? Section 165A has actually been enacted, and my hon. friend is discussing the point that bribe givers ought to be protected.

Shri U. M. Trivedi: Am I to understand then that this amendment of section 4 as embodied in clause 3 of the Bill is redundant and a superfluity?

Mr. Chairman: May I suggest to the hon. Member that when we change the law and make the bribe giver also accountable for his offence or conduct, then it follows that as in the case of the bribe taker the presumption is there if any illegal gratification passes, similarly it is logical that the presumption should also be there in the case of bribe giver. A new offence is not being made. Only the presumption is raised, as in the case of the bribe taker.

Shri U. M. Trivedi: I am also talking of the presumption. The law has been very nicely analysed by Mr. Basu as to what the presumption should be and what should be followed in the case of perjury or certain things. But what I mean to suggest is this that the moment there is a question of gratification being given, the presumption that we want to embody by this provision is such that for all practical purposes we are shutting out any evidence that can be forthcoming against a bribe taker. In other words we are giving a premium to the bribe taker.

Mr. Chairman: That is done by the enactment of the provision under section 165A. The result is the bribe giver also becomes guilty—not by this logical extension of the principle. That is the point of the Home Minister.

Shri U. M. Trivedi: He means to say that the provision under section 165A having been enacted, this is redundant.

Mr. Chairman: He did not say that. In that case the Bill would not be brought up.

Shri U. M. Trivedi: That is what I say. Since the Bill has come up, have we not got a right to say that it is bad? I did not know that section 165A would be so bad as the principle..........

Mr. Chairman: But the House is committed to the principle.

Shri U. M. Trivedi: If the House is committed to the presumption also, I have nothing to say.

Mr. Chairman: I am only pointing out how we are committed so far as Section 165A is concerned, because the House has passed that Bill.

Shri U. M. Trivedi: With respect to that section 165A we are providing here:

> "Where in any trial of an offence punishable under section 165A of the Indian Penal Code, it is proved that any gratification (other than legal remuneration)" —the word used first is 'gratification', it is not defined—"or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be ......etc."

When we say all these things, how will any evidence be available against a bribe taker? The moment this thing is there, any iota of evidence that can be forthcoming from a bribe giver—or anybody—will be absolutely shut out. So what I say is: why raise this further bogey against the bribe giver? He might have given it for anything. Do not try to make him an accused. Let him say that he has given it. Let it be said that it was given for a particular object and that it was achieved by this. Do not put a rope round his neck and say: "The moment you utter these words that you have given this gratification—and do not call it 'gratification'—the moment you give this, you become an accused person by the very process of your giving". This will deprive us of any evidence that will be forthcoming against the bribe takers. That is the only thing I want to point out.

Another thing to which I wish to draw attention is this. We are inserting a new section, section 5A. The previous section 5(4) provides that "a police officer below the rank of Deputy Superintendent of Police shall not investigate any offence punishable under sub-section (2) without the order of a Magistrate of the first class or make any arrest therefor without a warrant". Now we are suggesting something more in regard to investigation into cases under this Act. We are saying:

> "Notwithstanding anything contained in the Code of Criminal Procedure, no police officer below the rank, in the presidency towns of Madras and Calcutta, of an assistant commissioner of police, in the presidency town of Bombay, of a superintendent of police, and elsewhere, of a deputy superintendent of police, shall investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code or under sub-section (2) of section 5 of this Act, without the order of a presidency magistrate or a magistrate of the first-class, as the case may be, or make any arrest therefor without a warrant."

What happens in actual practice is this that a sub-inspector or inspector investigates the cases. We have got

no such provision to give any protection to anybody against whom an investigation has been conducted by a sub-inspector or an inspector of police.

There is no doubt that this is a sort of provision which says 'No'. Supposing you break this, what advantage does a person get by having his case investigated by a person who is much below the deputy superintendent of police or an inspector or a sub-inspector of police? We have absolutely no provision anywhere to suggest that such an investigation will not be taken into consideration or being of such a nature would be void or that no advantage would be taken of it. In actual practice this investigation proceeds and the judges are handicapped. They say: What can be done? Investigation is investigation and let it go on. I would therefore request the hon. Home Minister to look into this and make such a provision in the law as would serve a useful purpose rather than keep it on the statute book.

पंडित डी० एन० तिवारी (सारन दक्षिण) : मैं क़ानून की बारीकियों में नहीं जाना चाहता, लेकिन एक लेमैन (layman) के तरीक़े से क़ानूनों के ज़रिये क्या होता है और लोग क़ानूनों के ज़रिये कैसे शिकार बनाये जाते हैं उसके दो चार उदाहरण मैं आप के सामने रखना चाहता हूं। हम लोगों के यहां कहावत है कि, "मर्ज़ बढ़ता गया जैसे जैसे दवा की" किसी बीमारी की दवा कीजिये और वह रोग बढ़ता ही जाये तो हम को सोचना पड़ेगा कि दवा में दोष है, या वैद्य में दोष है या और कहीं दोष है। वैसे ही हम लोग जितना जोर देते रहे कि करप्शन (corruption) बन्द करो, घसखोरी बन्द करो, राष्ट्रीय सरकार हो गई है, नौकरान हमारे हैं और उनको राष्ट्रीय हित की दृष्टि से सब काम करना चाहिये, उतनी ही उन में घूसखोरी बढ़ती गयी। घस देने वाले को जबरन मजबूरी से घस देनी पड़ती है। अभी हमारे वैनकटारमन जी ने कहा कि सब राष्ट्रीय नौकर हैं और उन में घूस लेने की प्रवृत्ति कम हो गयी ह, मैं इसको नहीं मानता हूं, बल्कि बात उल्टी हो गयी है। अब वे समझते ह कि हम सब राष्ट्रीय हो गये हैं और राष्ट्र का धन जिस तरह से भी हो हम को मिल जाये तो कोई बात नहीं। आप क़ानून बनाइये, आप क़ानून सख्त से सख्त बनाइये और जितनी सजा घूस देने वाले को देनी हो दीजिये, इस में किसी को एतराज नहीं है, लेकिन आप को देखना होगा कि दर असल घूस देने वाला अपने मन से घूस देता है, नफा के लिये देता है, या जबरन अपने को बचाने के लिये, अपने को झंझटों से बचाने के लिये, उसको घूस देने के लिये बाध्य किया जाता है। मैं एक उदाहरण आप को देता हूं। बिहार में ज़िला बोर्डस हैं और वहां पर पक्की सड़कों पर बैलगाड़ियां चलाना मना है। जो पक्की सड़कें हैं उन पर बैलगाड़ी चलाना मना है। उस के लिये चपरासी रखे गये हैं कि वे देखें कि बैलगाड़ी न चलने पावे। लेकिन होता क्या है? जितनी बैलगाड़ियां ह, या यों कहिये कि जितने होशियार गाड़ीवान हैं, चालाक गाड़ीवान हैं, उन सब की गाड़ियां सड़क के ऊपर चलती हैं और कभी भी उन पर केस नहीं होता। जो कम अक़्ल वाले गाड़ीवान हैं और जो सड़क के नीचे गाड़ियां चलाते हैं उन पर केस चलते हैं और फिर बाध्य हो कर उन को भी पैसा दे कर सड़क के ऊपर गाड़ी चलानी पड़ती है जिस से कि केस न चले और पसा जबरदस्ती इस प्रकार उन से लिया जाता है। इस प्रकार के केस होते हैं।

कचहरियों में क्या होता है? हमारा केस (case) है, हम को नक़ल लेनी है। उस के लिये एक दिन के बदले तीन दिन लगाये जाते हैं, इसलिये कि हम पैसा दे दें। तो बाध्य हो कर हम को पैसा देना पड़ता है, इसलिये नहीं कि हम को खुशी है कि हम जा कर दो चार रुपये दे दें,

(पंडित डी० एन० तिवारी)

बल्कि इसलिये कि न दें तो न काम हो और दे दें तो काम हो जाये। हम को मजबूरी से देना पड़ता है जिस से कि हम को झंझट में न डाला जाये, उस में देर न की जाये और हमारा काम सुगमता से हो जाये। इसलिये हमको बाध्य होकर घूस देनी पड़ती है। और अगर न दे तो एक दिन के काम में सात दिन लगा दिये जाते हैं अतः बाध्य हो कर रुपये दे कर हमें काम कराना पड़ता है। मुझे मालूम है कि एक बड़े अफसर, डी० आई० जी० पुलिस के रैंक के अफसर ने एक केस में चालीस हज़ार रुपये लेने की बात की थी। जिन से वह रुपया मांगा गया मैं उन्हें जानता हूं। वह मेरे यहां घबराते हुए आये और कहा कि कोई उपाय कीजिये कि यह पकड़ा जाये नहीं तो मुझे तो देना ही है। मैं नाम नहीं बताना चाहता, लेकिन मैं अपने प्राविंशियल कांग्रेस कमेटी के हैड (head) के यहां गया कि साहब इस का कोई उपाय हो सकता हैं तो कीजिये। उन्होंने कहा कि कोई उपाय नहीं हो सकता है। उस को पकड़ने वाला कोई नहीं है।

मैं आप के सामने जो रखना चाहता हूं वह यह है कि इस कानून को बना कर छोटे छोटे लोगों को आप तग करा सकते हैं, लेकिन बड़े बड़े सेठ जो घूस देने वाले हैं, उन को कोई नहीं पकड़ सकता है। उन का घूस देने का तरीक़ा दूसरा है। वह कभी भी ऐसे घूस देने नहीं जाते जिस में वह पकड़े जा सकें। और वह खुद जाते ही नहीं हैं, उन के नौकर जाते हैं, उन का मैनेजर जाता है और वह कोई बाहर पबलिक में घूस नहीं देते हैं। कहीं सफर में, रेल गाड़ी में कहीं हट कर या किसी तरह उन के घर पर वह चीज़ चली जाती है। छोटे छोटे लोग पकड़े जाते हैं, वह कहीं अपने काम कराने के लिये अपनी जेब से निकाल कर दस बीस पचास रुपये देते हैं और वह पकड़ लिये जाते हैं। उन पर केस चलते हैं। पहले दिन माननीय मंत्री ने कहा ही था कि एक रेलवे वाले ने पचीस या पचास हज़ार रुपये बनाये थे वैगन्स (wagons) की सप्लाई (supply) में। वह रुपये उसने इस लिये नहीं बनाये कि लोग उसे देना चाहते थे, बल्कि इसलिये बनाये कि लोगों को अपनी चीज़ भेजने की गरज थी और वह एक दूसरे को बिड (bid) करा कर रुपया बनाता था। उस ने एक सिलसिले से गाड़ी नहीं दी बल्कि बिड करा कर ज्यादा से ज्यादा रुपया लेने कोशिश की थी।

डा० काटजू : उस मुक़द्दमें में ऐसा कोई सवाल बिड वगैरह का नहीं था।

पंडित डी० एन० तिवारी : उस मुक़द्दमे में ऐसा न हो यह दूसरी बात है, लेकिन होता ऐसा ही है। वह सिलसिलेवार गाड़ी नहीं देता था बल्कि एक दूसरे को बिड करा कर ज्यादा से ज्यादा रुपया लेने की कोशिश करता। व्यापारी नहीं चाहता कि रुपया दे, लेकिन मुश्किल यह है कि नहीं दे तो उस की चीज़ स्टेशन पर पड़ी सड़ जाये। उन का हज़ारों का नुक़सान होता है तो सौ दो सौ रुपया दे देते हैं।

जब तक आप लोगों की सुविधा की बात नहीं कीजियेगा यह घूस बन्द नहीं हो सकती। जिस महकमे में सुविधा नहीं है वहां घूस ज्यादा है। पोस्ट आफिस के महकमे में घूस क्यों अधिक नहीं चलती? क्योंकि लोगों को सुविधा हैं, इस वास्ते घूस नहीं चलती। जहां लोगों को असुविधा हैं उस असुविधा को हटान की आप कोशिश

कीजिये । अगर उस असुविधा को हटाने की आप कोशिश नहीं करेंगे तो अगर आप चाहें कि क़ानून से घूस देना बन्द हो जाय यह असम्भव है । घूस लेने वाले मुंह बाये हुये हैं, यह हम सब जानते हैं । हां, घूस कैसे रुके, इसको अवश्य हमें सोचना है । इस सिलसिले में मैं ने कई रिपोर्टें देखीं कि कहीं ऐसी बात है कि कोई ऐसी कोशिश की गई हो कि जिस से घूस रुके, केवल क़ानन बनाने से घूस नहीं रुकती । इस बारे में कोई जांच हुई या नहीं यह हम ने देखा तो हम को दो उदाहरण मिले । एक उदाहरण मिला सन् १९०२ या १९०३ का । उस वक्त एक पुलिस कमीशन बिठाया गया था और उस में ज़िक्र है कि जब तक पुलिस दुरुस्त नहीं होती है उस वक्त तक घूस लेना देना बन्द नहीं हो सकता । यदि आपकी पुलिस दुरुस्त हो जाये तो सारे डिपार्टमेंट में एक दिन में घूस खोरी बन्द हो सकती है । आप का हथियार आप के हाथ पैर, सब पुलिस है । जिस तरह से भी हो पुलिस डिपार्टमेंट को, एक डिपाटमेंट को आप सुधार दें तो दूसरे डिपार्टमेंट में घूस लेना देना सब बन्द हो सकता है । कोई भी मामला हो, इनक्वायरी (enquiry) के लिये वह पुलिस के पास जाता है । चाहे छोटा अफसर हो या बड़ा अफसर यदि वह करप्ट (corrupt) है तो आप का काम नहीं चल सकता ।

फिर दूसरा उदाहरण मैं ने देखा सन् १९३८ में फ़्रंटियर (frontier) में जब हमारे खां साहब वहां के चीफ़ मिनिस्टर थे तो उन्होंने एक ऐलान किया था कि जिस को भी कम्प्लेंट (complaint) करना हो, अमुक दिन को अमुक जगह आ कर कमप्लेंट करे, पबलिकली (publicly) और कमप्लेंट करने वाले को यह राहत थी कि उस पर कोई मुक़द्दमा न चले । लोग जाते थे और अपनी अपनी बातें, आफीशियल करप्शन (official corruption) की, पुलिस के करप्शन की, सब बातें उन को कहते थे । उस की इनक्वायरी होती थी या नहीं या क्या होता था यह मैं नहीं कह सकता । लेकिन एक तरीक़ा उन्होंने अख्तियार किया था, करप्शन को दूर करने का । तो मैं आप से कहूंगा कि आप क़ानन बनाइये, सज़ा दो वर्ष, चार वर्ष, दस वर्ष या बीस वर्ष कर दीजिये । लेकिन हम लोगों का जो अनुभव है उस से हम यही जानते हैं कि घूस देने में बड़े बड़े आदमी मुश्किल से ही पकड़े जाते हैं और अगर पकड़े भी गये तो बीसियों इनफ्लूएन्सेज़ (influences) काम करते हैं जिन की वजह से मुक़द्दमें चल नहीं पाते ।

5 P.M.

आप इस को क़ानून बना दीजिये, मैं उसका विरोध नहीं करता, लेकिन एक बात का अवश्य ध्यान रखना चाहिये कि आप का जो मक़सद है करप्शन रोकने का और घूसखोरी एक दम बन्द करने का वह पूरा होता है या नहीं । मैं आप को बतलाऊं कि आज सर्विसेज़ (services) इतनी करप्ट हो गई हैं कि वह ज़बर्दस्ती किसी न किसी प्रकार घूस लेने का प्रबन्ध कर ही लेती हैं और हम दिन पर दिन गिरते ही जा रहे हैं । और यह समझ बैठना कि हमारी सर्विसेज़ अच्छी होती जा रही हैं, फूल्स पैराडाइस (fools paradise) में रहना है ।

सभापति महोदय : शान्ति, शान्ति । मैं आनरेबुल मेम्बर को बीच में रोकना नहीं चाहता, लेकिन वह खुद ही फरमाते हैं कि उन्हें बिल पर कुछ नहीं कहना है । इस समय हाउस के सामने यह बिल सिलेक्ट

[सभापति महोदय]

कमेटी से वापस हो कर आया है और इस लिये सिर्फ इस बिल के ऊपर ही इस समय बहस हो सकती है । जो आम मजमून है, कि किस प्रकार से रिश्वतखोरी और करप्शन को रोका जाये, उस के ऊपर आनरेबुल मेम्बर ने बहुत कुछ फरमा दिया है । अब अगर आनरेबल मेम्बर अपनी तक़रीर को जारी रखना चाहें तो वह कृप्या इस बिल के ऊपर कुछ कहें ।

पंडित डी० एन० तिवारी : मैं तो इस क़ानून को बनाने का जो असली मक़सद है उस के बारे में कह रहा था । यह क़ानून हम केवल क़ानून की किताब में रखने के लिये नहीं बना रहे है, इस क़ानून के बनाने का हमारा एक खास मक़सद है और वह यह है कि इस क़ानून के जरिये हमारे देश में घूसखोरी रुक जाय और रिश्वत लेना और देना दोनों बन्द हो जायें और मैं वह मक़सद कैसे सिद्ध होगा इस पर बोल रहा था ।

सभापति महोदय : वह तो आप ने फ़रमा दिया, अब आप इस बिल के ऊपर फ़रमायें कि उस बिल का क्या असर है ।

पंडित डी० एन० तिवारी : श्रीमान्, मैं तो एक ले मैन हूं, कोई वकील नहीं जो मैं बिल के लीगल इम्पलीकेशनस (legal implications) में जाऊं और बतलाऊं कि इस बिल पर क्या असर पड़ता है। ले मैन की हैसियत से मैं बिल की जो दफा तीन है उसी पर तो बोल रहा हूं कि उसमें जो आपका मक़सद है वह कामयाब नहीं होगा क्योंकि जब तक आप उस धारा में यह न साफ कर दें कि जो किसी कारणवश जबरन घूस देता है उस पर मुकदमा न चले, तब तक उन बेचारे मामुली आदमियों को जो घूस देने पर मजबूर होते हैं, बड़ी तक़लीफ और दिक्कत का सामना करना पड़ेगा । आज हमारी सर्विसेज़ में काफी करप्शन मौजूद है, और जैसा कि कुछ लोगों की यह धारणा है कि हमारी सर्विसेज स्वराज्य प्राप्ति के बाद से अच्छी होती चली जा रही हैं और हमारे देश का नैतिक स्तर ऊंचा होता चला जा रहा है, मैं इस से सहमत नहीं हूं बल्कि मेरी समझ में तो ठीक इसका उल्टा होता जा रहा है । इसलिये मुझे इस बिल के सम्बन्ध में यह कहना है और होम मिनिस्टर साहब से इतना अर्ज करना है कि वे मेहरबानी कर के इस क़ानून में ऐसा सेफगार्ड (safeguard) रक्खें जिस से ऐसे गरीब लोगों की, जिन को जबरन घूस देना पड़ती है, रक्षा हो सके और वह सताये न जा सकें । बस मुझे इतना ही अर्ज करना है ।

Shri U. S. Dube (Basti Distt.-North) *rose*—

Mr. Chairman: If the hon. Member wants to make any new points in regard to the principles of the Bill, I will certainly allow him.

Shri U. S. Dube: Sir, I want to support the principle of this Bill.

I am surprised to hear some of the speeches made in this House on the principles of this Bill. On the one hand, there is a hue and cry for stopping corruption and for rooting it out from both officials and non-officials. The very fact that the Government has to bring forward a Bill called the Prevention of Corruption Bill is clear proof that some extraordinary measures have to be taken.

Much has been said that the onus of proving the innocence or otherwise being placed on the person charged is not in keeping with the ordinary principles of law. Now, I am reminded of a similar provision in the Excise Act in U.P. When you want to stop a certain vice prevailing in the community, specific measures have to be adopted. Having accepted the principle by enacting section 165A,......

Shri P. T. Chacko: Then. why this Bill?

Shri U. S. Dube: You have already accepted that the bribe giver is as much guilty as the bribe taker. By enacting this clause you want that the moment it is proved that a particular person has given a certain sum to an official, then, the onus is on this person to prove that the money given is for some reason other than illegal gratification. That is the principle underlying this particular provision of the Bill.

Although I submit that the remedy that is allowed in this Bill is not sufficient to root out the corruption prevalent, yet, the Government has moved, although in a half-hearted way in this matter. When you have got special evils to deal with, some special remedies have also to come in. This House should not grudge the least in giving the Government this Bill and I submit that on this account, the provisions of this Bill are highly to be commended. Of course, as my other hon. friend said, I do not take the view that Government officials have become angels. Government officials and the public, both are to be blamed in this matter. Unfortunately, throughout the length and breadth of the country, there is a stinking atmosphere. Every walk of life has become intolerable. But, in spite of all this, some measures have to be adopted. What those measures should be is a bigger question for this House to take up. The House will have to solve that bigger problem which of course involves the solution of the economic problem, which is beyond the scope of this Bill. That the House will have to take up separately if we have the interests of the country at heart.

But then this small measure which the Government wants to have in its possessions to deal with those who give bribes. A suggestion has been made that some of the people are forced to give bribes; the officers or the Government servants sometimes, in order to extort money, resort to unfair means, and sometimes it amounts to extortion. Extortion is a separate offence punishable under the Indian Penal Code and for that you cannot say that this Bill should make a provision separately. Here you take the very simple view that the bribe giver and the bribe taker, both are equally guilty, and then you have got separate provisions under the Criminal Law Amendment Act where you give pardon to those persons who come forward and say that they have given a particular sum of money, as bribe and in that way they are safe. I do not find that there is any foregoing of the principle in enacting this Bill, and therefore I support it.

The Minister of Home Affairs and States (Dr. Katju): The object of the Bill is a very plain and a very short one. It follows the recommendation of the Bakshi Tek Chand Committee. That Committee reported that bribe-giving should be made a substantive offence. Parliament has accepted that recommendation and that has been made a substantive offence.

Now comes this question about method of proof. In the existing Prevention of Corruption Act, section 4 provides that as a piece of evidence, if you find that something has been taken, accepted by the bribe taker which is out of all proportion to the circumstances of the case, then the court shall presume that the object was an unlawful object. The same thing now must be made applicable to the bribe giver. If any bribe giver goes, let us say, with a diamond necklace to the house of a public servant getting Rs. 300 and offers that diamond necklace to him, the circumstances being that the gift was completely out of all proportion to any lawful object—no relationship, no justification—then, the court shall presume as a rule of evidence that it was intended to be given as an illegal gratification. The amending Bill only wishes to insert it.

My hon. friend whom I have learnt to greatly respect ever since I have come to know him here—I congratulate him on his great research—quoted from a book which I have been longing to see for many, many years, the original report of the framers, not of the Penal Code, but of the draft Penal Code which was prepared by Macaulay when he was 35 years old and he came out as Law Member here. He prepared a draft Penal Code which was subsequently revised 25 years later, considerably altered, amended, and then enacted as our Penal Code here. And he cited some passages from that book. Very well. I mean this book was printed in 1837. I thought back as a matter of history and that was the year when Queen Victoria at the age of 19 ascended the throne of England. Now, in 115 years much water has flown under the bridge. The Constitution of the State has changed. The East India Company was ruling at that time.

An Hon. Member: But human nature has not changed.

Dr. Katju. Human nature remains the same. I know that. But it is really not of much use to us.

Extortion has been there all along, but please remember that seduction on

[Dr. Katju]

a large scale has followed from the Police State becoming a Welfare State. I am not troubled by bribes of Rs. two, Rs. five or Rs. ten; allowing a *gadiwala* to go on a kutcha road etc. Who would prosecute him for that? He is entitled to all our sympathy. We are thinking of prosecuting persons offering bribes of Rs. 10,000, Rs. 20,000, Rs. 50,000 etc. They may not be caught, one hon. friend said. As a lawyer I know it. A bribe is arranged in Allahabad, and is paid in the Punjab Mail somewhere near Etawah. Sometimes it is a very difficult proposition, but that is the danger. It is those things to which it will be applied.

And do not let us be very wasteful of our sympathy upon these bribe givers. They never come to give evidence, you may take it from me. They never do it because it is not their purpose to corrupt one particular individual officer. They want to corrupt the whole department, a whole series of officers. Some one put it very mildly and said well, that is one particular individual. That is not the case. They want to corrupt "A" and his successors one after the other, and if they were to give evidence, then the result would be that they would be ostracised by the whole department. They may get one officer punished, but the result would be the entire office will not allow them to come again, and their business will completely suffer. I do not want to go into all that.

There is one circumstance which has been overlooked in this discussion, *viz.*, that there is the Government or the superintendent of police or the district magistrate whoever it may be, who starts the prosecution. You must attribute some sense, some common sense, to the person who starts the prosecution. If it is a case of extortion, then, only a fool will ever prosecute the bribe giver, treat him as a witness, and produce him as a first witness in the case. It is only when the bribe giver is the seducer that the question of his prosecution always starts, and these seducers are people very highly placed. No one is going to prosecute the poor *mamuli* givers as they are called. I do not want to take up the time of the House, for we have discussed that at great length.

The object of this Bill is a very short one, *viz.*, to apply that rule of law, the rule of evidence which is applicable to bribe takers and which forms part of our parent Act. And then there is one particular amendment which speaks of the new offence of criminal misconduct—the House knows about that, that in 1947, in order to punish corrupt officers, an offence was invented, if I may say so, called criminal misconduct. If you are in possession of property, riches, far exceeding your emoluments, then the presumption is that you have made this money out of illegal gains, and you may be punished. Now, one particular High Court said a man who is guilty of criminal misconduct cannot be prosecuted for criminal breach of trust—a proposition, which is not acceptable. So, one of the amendments is for the correction of that. The other amendments are for the purpose as to who should investigate into these cases of criminal corruption. The parent Act provides that the investigation should be by a senior police officer of the status of deputy superintendent of police. In different provinces there are different officers of that status, but under different names, and so we have provided that.

There is nothing else in this Bill. So I would respectfully suggest that after this explanation that I have ventured to give, the House will take the Bill into consideration and will pass it, may I say, within ten minutes or 20 minutes, and be done with it, be done with bribe givers and bribe takers for the time being.

Mr. Chairman: The question is:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(*Amendment of section 4 etc.*)

Mr. Chairman: The hon. Member Mr. P. T. Chacko has given notice of an amendment. That is not in order because it seeks merely to negative the entire clause.

Shri P. T. Chacko: Even though the amendment is not in order I am entitled to oppose the clause.

Mr. Chairman: That is a different matter. First I am considering only the amendments to this clause 3. If there are no amendments, the hon. Member can have his chance to speak on this clause.

As I find no amendments are being moved, I shall call upon the hon. Member to speak. I may remind him that he has had his full say on this provision when he was speaking on the motion for consideration. I shall therefore request him not to repeat those very arguments which have already been made.

Shri P. T. Chacko: I shall be very brief, Sir. I want to speak because I find that my speech on the motion for consideration has not been understood properly or perhaps I did not make myself sufficiently clear.

The point I wanted to make clear was that the Indian Penal Code, as it is, has made a distinction between those who are victims of extortion, and those who are seducers. The hon. Minister was saying that I was quoting from a book which was printed in 1837. It is true, but the value of that book and the observations in it have not decreased in importance by the change of times. The conditions are now worse actually. Mr. Venkataraman said that our officers have become angels. I do not believe for a moment that the officers have become angels simply because we have attained independence. They have become worse now. This very fact that the hon. Home Minister thought of introducing a Bill of this nature and getting it passed into an Act, and the fact that in the last so many years we were having the Prevention of Corruption Act in force, show that the conditions have not improved. I, therefore, wanted to make clear the distinction which was drawn by the authors of the Code themselves.

The question is, how is it that they maintain the distinction? Some of my hon. friends were saying that simply because we accepted section 165A in the Criminal Law Amendment Bill, we have accepted the principle that bribe givers should be punished. My submission is that it is not so. Under section 165A what is stated is merely this, that an abettor of an offence under sections 161 and 165 of the Penal Code is punishable with so many years of imprisonment. Under that section, even as it is passed by this Parliament, only an abettor of an offence under section 161 or section 165 is punishable, not all givers of bribes. Under section 165A, I still maintain that anybody who offers a bribe or attempts to offer a bribe cannot be punished, because that section contemplates punishment for an abetment of the offence under sections 161 and 165 only.

Now the question arises as to what is abetment. Many of my hon. friends may not know it, but those who are acquainted with the provisions of law know what it is—it can only be by instigation or by aid or by conspiracy. What is the gist of the offence? The gist of the offence is the intention. If it should be that my offering a bribe of say Rs. 100 to a public servant should become an offence under the new section 165A, my intention to instigate the bribe taker to accept that bribe should be proved by the prosecution, may I say, beyond the shadow of a doubt. Even by passing section 165A, my submission is that we have not accepted the principle that every person who offers a bribe should be punished. We have maintained that distinction between those persons who are really victims and those who actually seduce the officers or impose a bribe on them. Under section 165A—also as was previously in the Indian Penal Code—only abetment is punishable. Even before the passing of the section 165A abetment of an offence under section 161 or section 165 was punishable under sections 116 and 109. These latter sections deal with abetment of an offence, one of them deals with a case where the offence is committed, while the other deals with a case where the offence is not committed or has not taken place. What we have done in section 165A was simply to bring these two together into one single section in the amending Bill. The legal position remains as it was before. So the position is the same as at the time that original Penal Code was drafted, and when those remarks which I referred to a little earlier were made.

But we are now making a vital change in the law. It is not just allowing the court to draw a presumption in the case of the main perpetrator of the offence, as provided for in the parent Act, where only the case of persons who receive bribes is contemplated, to whom only the presumption applies. I have no doubt every one will agree that in all cases the persons who receive bribes are guilty. But in the case of those who offer bribes, they are not guilty in all cases. In the Indian Penal Code that distinction between those innocent victims and those guilty is nicely kept and maintained, and even while we were passing section 165A, we made no alteration. We are now trying to take away that distinction by this clause 3, by making a person who offers a bribe or a gratification or a valuable thing without consideration or without adequate consideration, punishable. I submit that we are making a vital change in the law, by means of this clause 3. I am not saying anything about the presumption, or about the onus of proof, but about the principle itself. It is true that by passing the Criminal Law Amendment Bill we accepted the principle of that Bill. But in this case, we are making

[**Shri P. T. Chacko**]

a drastic change in the law. What will be the effect? It will simply be advantageous to the main perpetrator of the crime, the person who actually gets the bribe will get a protection and not the person who offers a bribe even though he is a poor victim.

My submission is that as we are making an alteration which is vital in law, the House should consider this clause with some seriousness as to what will be the consequences.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill

Clause 4.—(*Amendment of section 5 etc.*)

श्री विभूति : मिश्र (सारन व चम्पारन) एक लफ्ज होम मिनिस्टर साहब ने फरमाया है । उन्होने कहा है...

....

Mr. Chairman: Order, order. We are considering clause 4. This is no time to make any request to the hon. Minister. If the hon. Member wants to speak on clause 4, he will get an opportunity.

श्री बिभूति मिश्र : एक लफ्ज आनरेबुल होम मिनिस्टर साहब ने फरमाया है कि इस में डी० एस० पी० (D.S.P.) जांच करेगा मेरी प्रायना है कि इस में डी० एस० पी० जो पुराने हैं उन को न रक्खा जाये । वह लोग नीचे से उठ कर ऊपर आये हैं, सब इन्स्पैक्टर और इन्स्पैक्टर्स से डी० एस० पी० बने हैं, इस लिये उन की शुरू में ही घूस लेने देने की आदत पड़ी हुई हैं । मैं चाहता हूं कि इस में नये इंडियन पुलिस सर्विस (Indian Pclice Service) के लोगों को जांच का काम दिया जाये, यह बड़ी जरूरी चीज है क्योंकि अंग्रेजों के जमाने के लोग जो डी० एस० पी० वगैरह बने उन हें की आदत खराब पड़ गई है । जो वकील लोग है वह इस सम्बन्ध में काफी जानते हैं कि क्या खराबी हुआ करती है । इस में इतना सुधार कर दिया जाये ।

Mr. Chairman: Order, order. Clause 4 deals with an entirely different subject. It has nothing to do with deputy superintendent.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—(*Insertion of new section 5A etc.*)

Dr. Katju: May I, Sir, move a smal. amendment of my own? It is a purely verbal change, in page 2, line 16, it says: "...in every case where he makes such investigation, the *inspector* shall as soon as may be, send a report of the same to a magistrate of the first-class, together with the circumstances in which the investigation was made". Instead of the word "inspector" we have the words 'police officer' whatever may be his rank.

I beg to move:

In page 2, line 16, for "the inspector" substitute "the police officer".

Mr. Chairman: Amendment moved:

In page 2, line 16 for "the inspector" substitute "the police officer".

Shri V. P. Nayar (Chirayinkil): Is there any definition of "police officer" anywhere?

Dr. Katju: No. In the context it is said: "Provided that a police officer of the Delhi Special Police Establishment, not below the rank of a inspector of police..." Therefore the search may be made by a Superintendent or a deputy superintendent or by an inspector. When the draftsma was drafting it, he ought to have realised that the search may be made by any one of these three officers. He used the word 'inspector' there. So you hav got to read it in that context.

Mr. Chairman: The question is:

In page 2, line 16, for "the inspector" substitute "the police officer".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 5, as amended stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added t the Bill.

Clause 6 was added to the Bill.

New Clause 7

Mr. Chairman: There is an ame ment to add a new clause. I sought to be moved?

Dr. Katju: Sir, it is out of order.

Mr. Chairman: Objection has been raised that it is out of order, as in this amending Bill, Government have not sought to move an amendment to section 7. Therefore, it is outside the scope of the Bill. I would like to hear the hon. Member if he wants to say anything.

Shri M. L. Agrawal (Pilibhit Distt. *cum* Bareilly Distt.—East): I would submit that it is in order as I will show in one minute. Section 7 of the parent Act says:

> "Any person charged with an offence punishable under section 161 or section 165 of the Indian Penal Code or under sub-section (2) of section 5 of this Act shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial".

I consider this section as a benefit and concession to the accused. Since section 165A......

Mr. Chairman: May I just point out to the hon. Member that I have not to consider whether this section is useful or is harmful to the accused. That is not the point which we are considering. The only point is whether it is relevant, because objection has been raised that the amending Bill does not relate to section 7. Therefore, the hon. Member is not entitled to move an amendment.

Shri M. L. Agrawal: I would submit that section 165A has been added as a consequence of the amendment to the Criminal Law (Amendment) Act which we have just passed and the addition of this clause as a natural consequence in the Prevention of Corruption Act is necessary. Similarly, this clause should also be added as a consequence in this Bill and I hope the hon. the Home Minister will accept this amendment.

Dr. Katju: Subject to the point of order that I have raised, I have no objection whatsoever. Let the bribe giver come and give evidence on oath. Let section 165A be added.

Mr. Chairman: The hon. Minister does not object. So the hon. Member may move the amendment.

Shri M. L. Agrawal: I beg to move:

In page 2, after line 28, add:

> "7 *Amendment of section* 7,. *Act II of* 1947.—In section 7 of the principal Act after the word and figures 'section 165' the words, figures and letter 'or section 165A' shall be inserted."

I do not want to take up much time of the House in commending this amendment. I have already submitted that this becomes a consequential amendment on the passing of the Criminal Law (Amendment) Act. The same benefit should be given to the accused who is alleged to be a bribe giver as to those accused who are charged with the offence of bribe taking. If they can give evidence to clear their position, the bribe giver should also be given the benefit, the concession, to appear as a witness.

Mr. Chairman: The question is:

In page 2, after line 28, add:

> "7. *Amendment of section* 7, *Act II of* 1947.—In section 7 of the principal Act after the word and figures 'section 165' the words, figures and letter 'or section 165A' shall be inserted."

The motion was adopted.

The New clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

> "That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

> "That the Bill, as amended, be passed."

Shri Raghavaiah (Ongole): Before this Bill is passed I would like to refer to two or three points which have not been referred to by any of the Members who have spoken on this Bill at length. In the Statement of Objects and Reasons it is stated that Government appointed a Committee "to review the working of the Special Police Establishment and to make recommendations for the improvement of the laws relating to bribery and corruption." Not only this but the other piece of legislation also which we passed here—that is the Criminal Law (Amendment) Bill, 1952—also aims at the same object. But in spite of these two pieces of legislation the purpose does not seem to be fulfilled. The other day I chanced to go through a small booklet entitled *Corruption* in

[Shri Raghavaiah]

which account has been given of a good number of cases which have been acquitted. The main reason for these acquittals and for those offenders having escaped punishment is the collusion between the bribe takers and the Special Police Establishment. That is the way in which the case has been stated in that booklet. It is not just a pamphlet written for the sake of party propaganda or with any biased view by any cheap journalist, but it is a responsible gentleman who has written it. Some of the cases have been verified and some are still under investigation. These cases involve high officials of the administration in the various branches of governmental machinery. But it is unfortunate that not a clause do we find either in this Bill or in the Criminal Law (Amendment) Bill providing for ways and means of checking collusion between the Special Police Establishment and the bribe taker.

Mr. Chairman: Does the hon. Member want a provision to prevent collusion between the bribe taker and the Special Police Establishment? But that also will be a case of bribery.

Shri Raghavaiah: I refer to collusion which has resulted in the acquittal of the bribe taker.

Mr. Chairman: I see.

Shri Raghavaiah: So it is really surprising that nothing has been said on this point by the hon. Members who spoke during the various stages of the Bill or by the framers of the Bill.

Another point that I would like to touch upon is this. Now we have made bribe-giving also an offence. But nowhere in the parent Act or in this amending Bill do we find any definition of "bribe". The hon. Minister in his introductory speech as also in his reply has stated that bribe givers involving sums of hundreds and thousands of rupees alone come under this legislation and not people who give one rupee or two for getting their things done. Well, all these things the hon. Minister has said. It may be convenient for him to say so when this Bill is under discussion, but when it comes to a question of implementation then the whole trouble arises. When the term "bribe" is not defined any person giving from an anna to a thousand rupees is liable to be brought under the operation of this legislation. It has been defined neither in the parent Act nor in this Bill. That will certainly involve any amount of trouble for the common man who wants to get things done by paying a rupee or two or even fou or five annas.

Mr. Chairman: The hon. Membe may kindly remember that "illega gratification" is defined. But wha the hon. Minister said was onl this, that in this case illegal gratification is not voluntarily given but th thing is extorted. Unless it is voluntarily given there is no bribe giving—it is merely a case of extortion. On this point the hon. Minister was quite clear.

Shri Raghavaiah: It is really surprising to hear two contradictory statements. One hon. Member who preceded me said that things have changed for the better and there is more of bribe-giving than bribe-taking. The hon. Minister says that 150 years have passed, times have changed, but human nature remains the same, men have not become angels. But the hon. Member says human nature also has changed officials have become angels. One statement contradicts the other. The hon. Member instead of defending the Home Minister has offended him and done grave injustice to his own cause. I would certainly take the statement of the hon. Minister for granted that human nature remains practically the same in spite of the so-called achievement of freedom. The machinery as it stands is corrupt to the core. The booklet to which I referred shows number of cases of bribery involvi some crores of rupees. Some these cases I have already referr to in the course of my speech durin the discussion on the Works, Housin and Supply demand. There is another case in which the order for prosecution has been given but has not been carried out. The prosecution order relates to a ghee contractor who happens to be a High Commissioner in a foreign country. If necessary I can specify all the details When things have gone to such climax and prosecution orders have either not been investigated or been hushed up, even at this stage of our freedom it requires any amount of effort on the part of the public as also on the part of the Government to see that corruption is checked. When such a serious attempt has to be made both by the public and by the Government, I find there is no provision either in this Bill or in the previous one to ensure and invite cooperation from the public. I do understand that to provide for receiving suggestions or recommendations from the public may be outside the scope of this measure or of the parent Act. But provision should have been made for co-operation of public bodies like, say, anti-corruption committees. Their ay in the matter has got a greater alue because it is a people's committee and a people's committee alone an fight corruption more effectively han any legislation that we may nact.

Mr. Chairman: The hon. Member himself will realise that he is speaking on the third reading stage of the Bill. He himself was pleased to say that no such amendment was possible to the parent Act. At this stage to make suggestions for the improvement of the Bill will not be in order. I would request him to be relevant and to speak within the scope of the third reading stage of the Bill.

Shri Raghavaiah: Sir, while suggesting that a provision ought to have been made, I would like to give the alternative.

Mr. Chairman: That cannot be done now. Either the Bill has to be supported or it has to be rejected. I am requesting him to advance only such arguments as are for either rejection or acceptance.

Shri Raghavaiah: With due respect to your ruling, Sir, I would like to make some suggestions. Wherever people's committees exist......

Mr. Chairman: While he says he respects my ruling, he does not seem to respect it either in spirit or in letter. No new suggestions are possible now. Either he can support the Bill or advance arguments for its rejection. I am sorry to interrupt but this is the rule.

Shri Raghavaiah: I do not want any new provision to be made at this stage, but in implementing this legislation due weight must be given to anti-corruption committees and other non-official peoples' representative bodies. The other day Mrs. Vijaya Lakshmi Pandit said at a public meeting that in some countries they utilise the peoples' anti-corruption committees. The main purpose in life of these bodies is to fight corruption. Hence, instead of merely depending upon the Special Police Establishment and other official channels, Government may consider giving weight to these non-official bodies.

We have passed many legislations here, and despite them, the life of the people is not any more disciplined than it was before. In a railway station you find the board "Please do not trespass" and yet a good number of people—not illiterate ones but educated ones—committing trespass. So, the life of an individual citizen cannot be disciplined simply by legislation but by associating the peoples' bodies in the implementation of these measures.

I wish to say that it is really deplorable that this piece of legislation puts the bribe taker on a par with the bribe giver. After all, in our country there are more illiterates than literates and the illiterate common man may give something to get things done. It is really tragic that we include such a man in this legislation. My predecessor who is one of the respected peoples' workers and a Congressman from some district has already said that in our country officials are not angels. We know how the whole machinery is corrupt. Instead of reforming the whole administrative apparatus from the top rung we are trying to include the poor common man in the category of punishables. I can only characterise it as tragic.

There as one other observation I want to make. There is a consistent effort on the part of our Government to appease the industrialists and the landlords and such other people who are in the habit of committing corruption. Only the other day such people were exempted from sales tax. Again today they are being left out. I can give the Home Minister a large volume of cases in which these big fish have been acquitted. Why sould we try to bring in only the illiterate people who do not know to write their language and can merely speak in it? Only these innocent people are roped in here and the Damocles' sword is hanging on them. It is very unfortunate indeed. I do hope that the Home Minister will see to it that the big ones are not left out and only the common people are brought to book. The latter should be exempted from the scope of this Bill.

Dr. Katju: We have just heard a very eloquent plea on behalf of the common man. The common man if he is compelled to pay bribes deserves our sympathy, but if he pays them in order to get a favour I do not think he is entitled to our sympathy in the same measure. This House has been discussing bribe takers and bribe givers now for the last two weeks. Before we take leave of them in the legislative sense, I should just like to say one thing. I am sometimes pained to hear general denunciation of officials. They are done with such a gusto as if they are something delicious, something like the *rasagullas* in Calcutta. People love to talk about it and dilate upon it. I sometimes wonder wherefrom these people come, and this is a matter of great importance. If they were foreigners, we would hate them, but they exist in this very House. I speak as a Member

[Dr. Katju]

of the House. All these corrupt officials are our relations, our friends, sons, nephews and cousins of the first, second, third or fourth degree. They are related by marriage and so on. Do we exercise moral pressure upon them? (*Interruption*). There is no use denouncing bribe takers generally. (*Interruption*). So long as there are bribe givers who want to get some favour done, whether they be rich men or common men, the evil will exist. I have said this so many times that I have become tired of repeating it. I keep aside extortion, but talking of the common man himself, let us consider an example. I am talking of Allahabad where there is *octroi*. The so-called common man takes a load of *kakries* in the morning into the city. He has to pay *octroi*. Now he ought to pay an *octroi*, let us say, of two annas. What he does is he offers one *kakri* to the *octroi* clerk, just pays two pice and runs away. Of course he is a common man; but he gives that *kakri* in order to avoid payment of an anna and a half more. Your common man is not foolish. We have learnt one thing from the General Elections that the common man and the common woman whom you represent and whom I represent on this side, are intelligent people. Out of seventeen and a half crores of voters nearly seven crores exercised their franchise. When I talk on this side and you do on the other side, we say: we have got a mandate in favour of this. You say that you have a mandate in regard to civil liberties and that we are curbing them. So, the common folk are intelligent people, intelligent to form judgments on vital matters of public welfare. But when it comes to the question of the common man who gives a bribe, you say he is an innocent man and he ought to be forgiven and not prosecuted. He is simply robbed—by whom? By his own countrymen. I am not saying anything in praise or disparagement of the bribe taker or bribe giver. Let us, therefore talk commonsense. People denounce corruption and say that officials from top to bottom are corrupt. It is like a game of badminton—you have to strike on both sides.

6 P.M.

So you have to build up a strong social opinion. Supposing your son is employed in the police department and he brings his first catch of fishing expedition. He brings a th sand rupees and hands it over to mother or father or wife. How m fathers are there who would s "My boy, I do not like to see y face; you have disgraced us. away from the house." On the o hand, it would be a day of jubila in the family. One thousand ru extra has come in. Probably the would say: I would like to hav necklace. Or the father would s I have some debt to repay; I shall it today. If the inspector is of ma ageable age, everybody would like give his daughter to him. Let therefore, be candid about it.

For instance a common man wh a cultivator goes to the *patwari* asks him to make an entry in village records. The *patwari's* used to be Rs. 15; perhaps, inclu of the dearness allowance, it wo be Rs. 50 now. He is tempted accept a sum of say Rs. 15.

Therefore, let us, for God's s build up a strong public opinion. said in the other House: Let us h a sort of social boycott, namely, one shall deal on equal terms w either the bribe giver or the bribe t er. Cut him of. Do not go to his hou do not accept his parties, do not cept his invitations. Then you will corruption disappearing. It will disappear by generalising that t country is full of bribe takers, that whole official machinery, consist of Indians, my relations, my frien is corrupt. Let us, therefore, ha some sense of proportion about and deal with this evil in the ri manner and not merely by declar tion.

Shri Raghavaiah: Is the Gove ment of India prepared to boycott senior most corrupt official in t CPWD? He has been promoted spite of the fact that he is corrupt a his period of service has been exten ed in spite of expiry.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The House then adjourned till Quarter Past Eight of the Clock Wednesday, the 30th July, 1952.